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J. B. Henderson

REPORTS OF COMMITTEES

OF THE

HOUSE OF REPRESENTATIVES,

MADE DURING THE

SECOND SESSION OF THE THIRTY-SEVENTH CONGRESS.

1861-'62.

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TO

REPORTS OF COMMITTEES

OF

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THIRTY-SEVENTH CONGRESS, SECOND SESSION, 1861-'62.

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37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 3.

GEORGE W. SAMSON, HEIR OF SIMEON SAMSON.

[To accompany bill H. R. No. 162.]

DECEMBER 20, 1861.—Ordered to be printed.

Mr. DUELL, from the Committee on Revolutionary Claims, made the following

REPORT.

The committee to whom was referred the petition of George W. Samson, have adopted the report made to the last House in this case, in the following words:

IN THE HOUSE OF REPRESENTATIVES, *June* 13, 1860.

Mr. DUELL, from the Committee on Revolutionary Claims, made the following report:

The Committee on Revolutionary Claims, to whom was referred the memorial of George W. Samson, of Homer, in the State of New York, praying remuneration for the services of his father, Captain Simeon Samson, in the revolution, respectfully report:

The papers accompanying the memorial of the petitioner show that Captain Simeon Samson entered the service of the United States as a captain in the navy at the commencement of our revolutionary struggle, and continued in such service until the close of the war, during which time he rendered valuable aid to the suffering colonies. He was peculiarly adapted to the position of a commander in the navy, for in his youth he began a seafaring life, and prior to the revolution performed many important voyages in the employment of the merchants of Plymouth, Massachusetts, where he resided.

He was commissioned as a captain in the navy on the 17th day of April, 1776, and appointed to the command of the armed brig Independence, accompanied with orders to "attack, seize, and take the ships and other vessels belonging to the inhabitants of Great Britain on the high seas, and to bring the same into some convenient port, in order that the courts may condemn the said captures as lawful prizes."

In the "History of Plymouth," by James Thatcher, M. D., we find the following sketch of the life and public services of Captain Samson: "Among the intrepid patriots who distinguished themselves in the naval service during our revolutionary contest was Simeon

Samson, esq. * * * At the commencement of the revolutionary war, when a marine force was deemed necessary to protect our commerce from the depredations of the British cruisers, he was honored by the provincial congress of Massachusetts with the appointment of the first naval captain in the service of the country. He immediately took the command of the brig Independence, belonging to the colony. and which was built at Kingston under his direction. In this vessel he was eminently successful, and in one cruise captured and sent in five prizes, among which was the Roebuck, Captain White, in the autumn of the year 1776. Immediately after this he himself was captured by Captain Dawson, of distinguished memory in these seas. Captain Samson did not surrender until an engagement of a character as severe and bloody as perhaps is recorded in the annals of naval warfare. The skill and intrepidity manifested by him was applauded even by his enemies. Had he been sustained by all his men, he would, undoubtedly, have been the conquerer, rather than the vanquished. It is said in the Gazette of that period that he was driven to the awful necessity of running through the body two or three of his men who abandoned their guns in the most trying moment of the conflict. One of these victims was his third lieutenant. Soon after his return from captivity, which was at Fort Cumberland, near Halifax, he was appointed commander of the brig Hazard, a public vessel belonging to the State. In this vessel he likewise took several prizes. among which was the ship Live Oak. In 1779 he was selected to the command of the ship Mercury, built at Plymouth, by Mr. John Peck, for Congress. She was employed to carry despatches to our ministers in France. In this ship he returned from Nantz during the severe winter of 1780, soon after which he was promoted to the command of the Mars, a large ship, likewise belonging to the State, and in this vessel he was employed in the most responsible trust, in carrying despatches, and in one cruise carried out one of our ministers to Europe. The British flag-ship Trial was captured by him while in the Warren. At the close of the war he retired, like most of the faithful servants of our country, with a very scanty estate, and a numerous family dependent upon him for support. * * * Few naval officers stood higher in public estimation, and few citizens were more respected for domestic virtues, hospitality, and generous friendship."

Among the papers submitted to your committee is one containing the orders issued to Captain Samson on his assuming the command of the ship Mars, in 1780, by the Provincial Congress, in which he is directed to proceed to Nantz, in the kingdom of France, and on his passage to take, sink, burn, or destroy such of the enemy's vessels that might fall in his way; and on his arrival in France "you are to govern yourself and pursue such instructions for your future proceedings as shall be given you by Jonathan Loring Austin, esq., mercantile agent for this State in Europe; and in case of his absence, such as you may receive from the Hon. John Adams, and in his absence, from the Hon. Francis Dana. You have herewith a packet directed to those gentlemen, which you are to forward or carry yourself, as

circumstances may make necessary, with the utmost despatch. In case you are so unfortunate as to be taken, you are directed to sink said packet, that it may not fall into the hands of the enemy. * * * You are to be allowed four tons in the ship Mars for your privilege, and thirty pounds sterling in France in lieu of primage, and a dollar a day for expenses while there; and you must not by any means take any goods in your cabin, but keep it clear and free from every encumbrance whatsoever, that the ship may be always ready for action."

In the memoirs of Mrs. John Adams, the name of Captain Samson is mentioned as the bearer of letters from that patriotic lady to her husband in France.

An original letter of instructions from Governor John Hancock to Captain Samson is likewise among the papers submitted to your committee, and is as follows:

"BOSTON, *March* 3, 1781.

"SIR: You will please, immediately on the receipt of this, to give the necessary orders that the ship Mars, under your command, be discharged of her cargo with all possible despatch, and that the Mars be fitted for the sea immediately. This you will attend to without loss of time.

"I am, with respect, sir, your most obedient servant,

"JOHN HANCOCK.

"SIMEON SAMSON, Esq.,
"*Commanding the ship Mars.*"

The memory of Captain Samson appears to have been held in grateful remembrance by the citizens of Plymouth, his native town. The sword worn by him during the revolution is preserved in Pilgrim's Hall, and attached to it is a card, with this statement:

"The sword worn by Captain Simeon Samson in the memorable battle with Captain Dawson, of the British navy, in the year 1776. On presenting his sword to his conqueror Captain Dawson returned it to him, saying, 'The man who will fight so bravely ought always to wear a sword.'"

The proof furnished your committee is entirely satisfactory to show that Captain Samson had the entire confidence of the leaders in our revolutionary struggle, and on account of his prudence and valor was frequently selected by them to perform the most responsible and delicate duties. It is not the purpose of the committee to recite in detail the services performed by Captain Samson during that period of our history which "tried men's souls." Every day, however, magnifies the obligation of this free people to bear suitable testimony to the memory and services of our revolutionary fathers, to whose keeping, in the providence of God, the liberties of the nation were intrusted, and who proved sufficient for the hour.

Captain Samson died in 1789, leaving five children, of whom the petitioner is one, and the only surviving child. The other children released to the petitioner all their claims against the government for

the services of the said Captain Samson, and the petitioner is consequently the sole owner of said claim.

It further appears that Captain Samson received no compensation for his services as an officer in the navy of the revolution; but, on the other hand, he advanced for the benefit of the colonies during the war a large sum of money, for which he received, in some instances, continental money, from which he realized nothing whatever. Almost his entire estate was surrendered for the good of his fellow-countrymen, then fighting for their liberties against their mother country. The case is therefore simply this: Captain Samson served his country faithfully for the period of seven years; expended his private fortune for the benefit of the suffering colonists; and retired, at the close of the war, as his historian declares, "with a very scanty estate, and a numerous family dependent upon him for support."

At the death of Captain Samson he still had in his possession the continental money received from the government, amounting to twenty-two thousand and fifty-nine dollars. Upon the envelope containing the money was found this memorandum, in the handwriting of Captain Samson:

"This paper money is to be kept sacred to the latest posterity, in remembrance of the good it has done towards freeing a brave people from a tyrant king and a ruined nation.

"SIMEON SAMSON."

What higher proof of the disinterested patriotism of Captain Samson could be desired than is furnished by this one act? His descendants have religiously kept his request by retaining among themselves the memento of the past committed to their care.

Your committee are aware that the resolution of the Continental Congress relative to the payment of military officers is, in terms, confined to the army. We are unable to perceive any good reason why officers of the navy ought not to be provided for as well as those of the army. It has always been conceded that the sea service was in itself more perilous than the land service, and, in the event of disaster, beyond the same chances of relief and refuge.

Your committee are impressed with the belief that the government should make some compensation to the heirs of Captain Simeon Samson for the services of their ancestor. Congress has, in several instances, made provision for the officers of our revolutionary navy by private bills. By an act approved May 26, 1830, the proper accounting officer of the Treasury Department was directed to pay John Edgar, an acting captain in the navy during the revolutionary war, the same sum in gross, and the same pay during his life, which captains of the army received under the act approved May 15, 1828.

The pay of a commander in the navy was, at the date of the services, $720 per annum. Your committee believe this would be only a fair compensation for the services of Captain Samson during the revolution. They therefore report a bill granting to the petitioner, on account of his father's services, the sum of seven years' pay, at the rate of seven hundred and twenty dollars per annum.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 4.

BENJAMIN MONTANYE—HEIR OF.

DECEMBER 20, 1861.—Laid upon the table and ordered to be printed.

Mr. DUELL, from the Committee on Revolutionary Claims, made the following

REPORT:

The Committee on Revolutionary Claims, to whom was referred the petition of Benjamin Montanye, an heir-at-law of Benjamin Montanye, deceased, asking pay for services rendered in the war of the revolution by the said Benjamin Montanye, deceased, report:

That the proof fails to satisfy your committee that Benjamin Montanye, the elder, had any legal or equitable claim against the United States, and they therefore report adversely upon the claim of his heir-at-law.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 5.

ISRAEL FRISBIE, SURVIVING HEIRS OF.

[To accompany bill H. R. No. 166.]

DECEMBER 23, 1861.—Ordered to be printed.

Mr. GRIDER, from the committee on Revolutionary Claims, made the following

REPORT.

The Committee on Revolutionary Claims, to whom was referred the petition of Jerusha Johnson, of Broome county, New York, report:

That the petitioner, for the aid of herself and the other surviving heirs of Israel Frisbie, deceased, asks for the payment to said heirs of five years' pension, to which Esther Frisbie, deceased, the widow of said Israel, was entitled.

It appears from papers presented that said Israel Frisbie enlisted in the spring of 1775 as a private in a company commanded by Captain Phineas Porter, belonging to General Wooster's regiment, at Waterbury, Connecticut, and served for eight months and until he was honorably discharged; that in the spring of 1776 he again enlisted as a private in a company commanded by Captain John Lewis, belonging to Colonel Douglass's regiment, at Waterbury aforesaid, and served for eight months and until he was honorably discharged in December, 1776. It also appears that he served at different periods during the war of the revolution after December, 1776, but the length of time is not proved. It is also shown that he married the said Esther Frisbie (then Esther Tyler) in the month of February, 1793, and that they had several children, and that they lived together until the 8th day of February, 1825, when the said Israel Frisbie died at the town of Spafford, Onondaga county, New York; that the said Esther Frisbie remained his widow up to the time of her death, which occurred June 16, 1842.

Israel Frisbie never received any pension, although it appears that he made application during his lifetime. His widow, the said Esther Frisbie, applied in 1840 at the Pension Office for a pension under the act of July 7, 1838. Her application was suspended for want of proof of the marriage between herself and Israel Frisbie—the testimony of only one witness having been presented with her original application, whereas the rules required at least two where no record evidence exists. She died in 1842, as before stated, and it does not

appear that anything more was done in the case until the year 1852, when two additional affidavits were filed showing the marriage of Israel Frisbie to said Esther Frisbie. The Commissioner of Pensions thereupon wrote to the attorney for the heirs "that more than five years having elapsed since any action was had on, or any additional evidence filed in, the case of Esther Frisbie, the testimony you now produce cannot now be considered, unless accompanied by an affidavit that it was not known to be in existence or could not have been procured at the time of making the original application." The petitioner soon after filed her affidavit, stating, among other things, that the heirs learned for the first time in 1851 the reasons why the Commissioner suspended the case, and that they immediately commenced making inquiries to find further testimony showing the marriage, and succeeded in finding two persons, Lambertson Munson and Susannah Munson, both strangers, who were able to testify to the fact, and that no time was lost in procuring and filing their depositions. The petitioner states positively that she did not know of this testimony, nor that it was necessary, until January, 1851, and she believes her mother to have been ignorant of its existence.

Your committee think that upon the evidence submitted the heirs of Israel Frisbie are entitled to relief. The act of June 7, 1838, gave to the widows of certain revolutionary soldiers an annuity or pension for the term of five years from the 4th day of March, 1836. As Esther Frisbie did not die until 1842, she was entitled at the time of her death to the whole five years' pension at ninety-six dollars per annum; and your committee think that her representatives are entitled to receive that amount. Interest cannot be allowed, for the reason that the delay has not been caused by the fault of the government. To the extent of $480 the representatives aforesaid are entitled to relief, and the committee accordingly report the accompanying bill.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 6.

JOHN M. BUTLER vs. WM. E. LEHMAN.

JANUARY 7, 1862.—Ordered to be printed.

Mr. LOOMIS, from the Committee of Elections, made the following

REPORT.

The Committee of Elections, to whom was referred the memorial of John M. Butler, contesting the right of the Hon. William E. Lehman to a seat in the 37th Congress, as the representative for the first congressional district in the State of Pennsylvania, having considered the same, and the evidence presented therewith, respectfully submit the following report:

The first district of Pennsylvania is composed of the first, second, third, fourth, and seventh wards, and of the 1st, 2d, and 3d divisions of the fifth ward in the city of Philadelphia. Said wards are by law divided into election divisions or precincts for voting. There are fifty-one such divisions within said congressional district.

The election at each of said divisions is conducted by one judge and two inspectors, who are chosen annually; and in order to guard the rights of the minority, and to give to each of the two larger parties an inspector, the law of Pennsylvania wisely provides that each voter shall vote for but one inspector, and that the two persons receiving the highest number of votes shall be declared elected to that office. But in wards or divisions where one political party can give a majority larger than the entire vote of the other party, it has been the practice in said first district for the dominant party to divide their votes so as to elect both of the inspectors, thus evading the spirit and object of the law.

The law of Pennsylvania further provides that each inspector shall appoint one clerk to assist at the election, and upon application of twenty citizens the court of common pleas can appoint three watchers to be present at each precinct.

It is made the duty of the judge in every election division on the night of the election to make out and subscribe a certificate of the votes there given, and on the next day to file the same with the prothonotary of the court of common pleas, and to return a duplicate of

the same to a meeting of all the judges and inspectors from the several divisions of the ward, who are required to ascertain the vote of the ward, and return the same by one of their number, duly elected by them as return judge for such ward, to a meeting of the board of return judges, to be holden at the State House on the Friday next succeeding the election, whose duty it is to add together all the ward returns and issue the certificate of election.

The election out of which this contest has arisen took place on Tuesday, the 9th day of October, A. D. 1860.

Three persons were then voted for for the office of representative to Congress from said district, viz: William E. Lehman, (the sitting member,) John M. Butler, (the contestant,) and Edward King; and at a meeting of said board of return judges, held on the 12th day of October, 1860, according to law, it was certified in the manner provided by law that said John M. Butler had received eight thousand five hundred and eighty-one votes, (8,581;) William E. Lehman, eight thousand three hundred and eighty-three votes, (8,383;) and Edward King, two thousand and fifty-seven votes, (2,057;) and said John M. Butler was declared duly elected representative as aforesaid.

The board of return judges, in arriving at the result aforesaid, included a return from the fourth ward, made by one William Byerly, return judge of said ward, which return was afterwards proved to be a forgery, committed by said Byerly, for which he was tried, convicted, and sentenced in the court of oyer terminer and quarter sessions of the peace for the city and county of Philadelphia, at the October session of 1860. Had the board of return judges received the true and genuine return from the fourth ward, instead of the forged one, they must have come to a different conclusion, and Lehman would have been declared elected by a plurality of 132 votes.

The then governor of Pennsylvania, (William F. Packer,) going behind the doings of the return judges, took notice of the fact of said forgery, and by proclamation, issued on the 8th day of November, 1860, declared William E. Lehman duly elected. Whereupon the contestant, on the 10th day of November, 1860, protesting against this act of the governor as an "illegal assumption," and reserving all rights which he might have under the certificates issued in his favor, gave notice to said Lehman of his intention to contest his seat, and specified particularly the grounds for such contest in accordance with the act of Congress in such cases made and provided, and on the 6th day of December, 1860, the contestant served upon said Lehman a supplemental notice with further specifications.

The contestant claims that the action of the governor before alluded to was illegal, and that he ought to have been admitted in the first instance as the sitting member, instead of Mr. Lehman; but the committee have not deemed it proper to determine this question, inasmuch as the House, on the first day of the session in July last, refused to allow the contestant to be sworn in as the sitting member, and decided this preliminary question in favor of Mr. Lehman.

The committee therefore consider that the only material question in the case is, who received the highest number of legal votes? (The printed evidence and papers will be found in Mis. Doc. No. 5.)

The sitting member rests his case upon the division returns, and claims to have received a plurality of 132 votes, as evidenced by those returns.

The contestant, on the other hand, denies the correctness of these returns, or some of them, and attacks them in two ways.

1. It is shown that the return from the eleventh division of the second ward, which gave Lehman 210 votes and Mr. Butler 31 votes, was never signed by the judge, as required by law.—(See Brightly's Annual Digest, sec. 33, p. 1096.) If this return should be rejected on account of said informality, it would make a difference in favor of the contestant of 179 votes, and would elect him. But the committe are of opinion that the votes, as returned, were really cast for the parties named, and that the objection is a mere technical one that ought not to prevail.

2. But the contestant relies mainly upon the claim that, in divers divisions and wards, the division returns did not contain a true statement of the ballots actually deposited in his favor, and in his notice of contest he specifies that the election officers in the 8th division of the first ward, the 1st, 2d, 3d, 7th, 8th, 9th, and 10th divisions of the second ward, the 2d, 3d, 6th, and 7th divisions of the third ward, the 6th, 7th, and 8th divisions of the fourth ward, and in the 7th and 8th divisions of the seventh ward, respectively, made false certificates of the number of votes cast at said election, in their respective divisions, for member of Congress, and filed the same in the office of the prothonotary, in the court of common pleas; and that said officers falsely and fraudulently counted and certified divers votes, (a particular number being specified in each case,) in favor of the sitting member, that had been fairly and legally cast and voted for the contestant, and to sustain the allegations thus made the contestant gave due notice that he should claim and ask to have a count of the ballots in the several ballot boxes of the aforesaid divisions and wards.

The committee are of opinion that where the ballots themselves cast at any election are preserved, they will furnish the best evidence of the number of votes which each candidate received. And it seems that the laws of Pennsylvania contemplate that in case the division returns are disputed, the ballots themselves shall finally settle the question.

The law of Pennsylvania on this subject may be found in Purdon's Digest, section 55, page 287, and is as follows:

"As soon as the election shall be finished the *tickets*, list of taxables, one of the lists of voters, the tally papers, and one of the certificates of the oath or affirmation taken and subscribed by the inspectors, judges, and clerks, shall all be carefully collected and deposited in one or more of the ballot-boxes, and such box or boxes, being closely bound round with tape, shall be sealed by the inspectors and the judge of the election, and together with the remaining ballot-boxes shall, within one day thereafter, be delivered, by one of

the inspectors, to the nearest justice of the peace, who shall keep such boxes containing the tickets and other documents to answer the call of any person or tribunal authorized to try the merits of such election."

The contestant, in pursuance of this statute and of the notice served by him upon the sitting member, caused the ballot-boxes in eleven divisions, hereinafter named, to be opened and the ballots deposited therein to be recounted before the recorder of the city of Philadelphia, and in presence of both parties to this contest, and their counsel, the result of which is exhibited in the following tabular statement:

FIRST WARD.

	Butler.	Lehman.	King.
Eighth division, official vote	160	214	31
Eighth division, recount	156	209	31

Butler's gain, 1 vote.

SECOND WARD.

Second division, official vote	229	134	39
Second division, recount	252	122	26

Butler's gain, 35 votes.

THIRD WARD.

Second division, official vote	112	117	59
Second division, recount	157	92	33

Butler's gain, 70 votes.

Third division, recount agrees with official.
Sixth division, recount agrees with official.

Seventh division, official vote	128	311	22
Seventh division, recount	129	309	20

Butler's gain, 3 votes.

SEVENTH WARD.

Eighth division, official vote	165	238	12
Eighth division, recount	175	228	12

Butler's gain, 20 votes.

FOURTH WARD.

Sixth division, official vote	61	232	5
Sixth division, recount	64	228	6

Butler's gain, 7 votes.

Eighth division, official vote	119	265	41
Eighth division, recount	123	260	40
John Butler	1		

Butler's gain, 10 votes.

	Butler.	Lehman.	King.
Seventh division, official vote	44	230	5
Seventh division, recount	53	218	7
Butler's gain, 21 votes.			
Ninth division, official vote	176	104	14
Ninth division, recount	176	109	10
Butler's gain, 5 votes.			

RECAPITULATION.

First ward, eighth division; gain for Butler	1
Second ward, second division; gain for Butler	35
Third ward, second division; gain for Butler	70
Third ward, seventh division; gain for Butler	3
Seventh ward, eighth division; gain for Butler	20
Fourth ward, sixth division; gain for Butler	7
Fourth ward, eighth division; gain for Butler	10
Fourth ward, seventh division; gain for Butler	21
Fourth ward, ninth division; gain for Butler	5
Total gain for Butler	172

But the ninth division, fourth ward, is not contained in the specifications of the contestant. The box was opened by mistake for the seventh division, fourth ward; but after counting the ballots the respondent claimed it to be the box of the ninth division, which the contestant admits.

Here is a gain of five votes which justly belongs to the contestant, but as he omitted to specify this division the committee have deducted them, and therefore find the gain for Butler to be 167 votes. The whole plurality for Lehman, on all the division returns, is 132 votes, leaving a clear plurality for John M. Butler (the contestant) of 35 votes.

If this recount of the ballots is to be relied upon, it necessarily follows that the contestant is entitled to his seat.

It is conceded that the recount was correctly made, being done in the presence of both parties to this contest. But the respondent makes two objections to the recount which deserve consideration.

1st. That the ballot-boxes were not sufficiently identified as belonging to the divisions alleged.

2d. That the boxes had been opened and contents changed before the recount took place.

Before considering these objections it should be remarked that they are confined to the ballot-boxes in three divisions only, viz: the 2d division of the third ward, where the recount made a gain for Butler of 70 votes; the 2d division of the second ward. where the gain for Butler was 35 votes; and the 7th division of the fourth ward, where the gain was 21 votes.

1. Are these three boxes sufficiently identified?

The testimony shows that there was much difficulty in determining to what particular divisions the boxes belonged before they were opened, as the boxes generally were without labels or external marks of identification. But it is not essential that the boxes should be identified before being opened. After any box had been opened there was little danger of mistake in determining to what election and to what division it belonged.

In every division they had a large box in which the affidavits of the election officers, a list of voters, taxables, and other papers pertaining to the election, were deposited, and a smaller box in which were deposited the ballots. These boxes were sealed up and carried together to the nearest alderman, and left in his custody.

Upon opening these larger boxes and examining the papers, the particular division would be certainly known, and it would be known also that the accompanying ballot-box for the same division must be found in the same custody; and upon opening one of the smaller boxes, the ballots themselves would indicate in what election they were used. If the names of the contestant and respondent, as candidates for Congress, were found on the tickets, it would be certain that the ballots were cast at the election in question, as those gentlemen were never opposing candidates at any other time.

The number of ballots in the box will generally afford a safe test of the division to which it belongs, by comparing the number with other divisions, with the official returns, number of voters, &c.

In the three disputed boxes under consideration the aggregate number of ballots, as recounted, was, in one box, but *one* less; in another, *two* less; and in the other only *six* less than the official returns; and there were no other divisions with which they would compare as well.

But there is still more conclusive evidence of the identity of the boxes in question.

Two of the boxes were left with Alderman Carter, and the other with Alderman McMullen. The former received, in all, the boxes of three divisions only, viz: 2d division third ward, 2d division second ward, and 3d division of the third ward; and all these boxes were produced and examined. The 3d division of the third ward is admitted to have been identified, the recount agreeing perfectly with the official return. The box of the 2d division, second ward, was marked by one of the judges of election, and by him positively identified.—(See the testimony of Merritt Gibson, printed evidence, page 81.) So that it follows that the remaining box must belong to the 2d division of the third ward.

Alderman McMullen received and produced for examination the boxes of four divisions, which were all he received, viz: 7th division of the fourth ward, (the disputed box,) and the 6th, 8th, and 9th divisions of the 4th ward, and here the three divisions last named are admitted to have been identified; the other box therefore must be the 7th division of the fourth ward.

The committee therefore consider the identification of the boxes complete and satisfactory.

2. The other claim of the respondent is that the boxes had been tampered with before the recount took place.

The contestant produced these boxes from their legal and rightful custodians, sealed up, and in the same apparent condition they were in when left with the alderman. Under these circumstances the burden of proving them to have been tampered with properly rests on the respondent; but no proof upon this point was submitted, except some testimony showing that some of the boxes were left in such a situation that it was *possible* for some unauthorized person to have meddled with them.

But there is no proof to render it *probable* that such was the case.

The respondent attempts to rebut the evidence afforded by the recount of the ballots, by calling the election officers who made the division returns to testify that *those returns were correct;* but in the opinion of the committee this testimony neither impairs the case of the contestant nor strengthens that of the respondent.

Officers who had declared upon their official oaths that returns made by them were true, would not be likely to come into court afterwards and swear that they were false.

The committee have not deemed it necessary to determine whether the errors in the division returns, before mentioned, were the result of deliberate fraud or mistake on the part of the election officers, for the motive which actuated them is immaterial. It is enough that the returns in the divisions specified were *false in fact*, and that the contestant was thereby deprived of votes fairly and legally cast for him, enough to have elected him; of this the committee are fully convinced. They consider the case of the contestant clearly proved, and that he is entitled to the seat now occupied by William E. Lehman, and therefore they submit the following resolutions and recommend that the same be adopted by this House:

Resolved, That William E. Lehman is not entitled to a seat in the 37th Congress, as the representative from the first congressional district in the State of Pennsylvania.

Resolved, That John M. Butler is entitled to a seat in the 37th Congress, as the representative from the first congressional district in the State of Pennsylvania.

MINORITY REPORT.

Mr. WORCESTER submitted the following as the views of a minority of the Committee of Elections.

JOHN M. BUTLER vs. WM. E. LEHMAN.

FIRST CONGRESSIONAL DISTRICT OF PENNSYLVANIA: CONTESTED ELECTION.

The undersigned, a minority of the Committee of Elections, to whom this case stands referred, after a mature and patient consideration of the law and evidence submitted to them, finding themselves unable to concur in the conclusions set forth in the report of the majority, beg leave to submit the following

REPORT:

As this disagreement arises mainly from the conflicting views which the undersigned and the majority of the committee take of the competency of a portion of the testimony, and its sufficiency and effect in establishing the charges set forth in the specifications of the contestant, they have deemed it proper, for a just understanding of the case, to state the facts and a part of the evidence more in detail than would otherwise have been necessary. It appears from the testimony submitted to your committee that the first congressional district of Pennsylvania is composed of the first, second, third, fourth, part of the fifth and seventh wards of the city of Philadelphia. These wards, for the purpose of holding municipal and State elections, are subdivided into election precincts, called *divisions*, of which the aggregate number in those six wards is fifty-one. The officers who preside at the elections held in these districts consist of one judge, two inspectors, and two clerks, whose duties are pointed out in the statute, and particularly set forth in the written oath which they are severally required to take and subscribe before they enter upon the duties of their offices.

In addition to these five officers, (in case they all belong to the same political party,) the law provides that three other officers may be appointed by the court, called *watchers*, whose duty it is to attend the election and to see that it is fairly and legally conducted. In order further to protect the sanctity of the ballot-box these officers, if guilty of fraud in the discharge of their duties, are liable to punishment by fine and imprisonment, and are further disabled from afterwards holding office.

At the elections for State officers and representatives to Congress two boxes are provided, one in which the ballots are first deposited

as they are cast, and to which they are returned when counted, and another in which are deposited at the close of the election one list of the names of the voters, a certificate of the oaths of the officers, and a copy of the tally list of voters. These boxes, after the ballots and election papers are deposited in them, are required to be bound closely round with tape, and to be sealed by the judge and inspectors, and, on or before the next day afterwards, to be delivered by one of the inspectors to the nearest magistrate, whose duty it is made to keep these boxes, to answer the call of any tribunal authorized to try the merits of the election.

Another copy of the list of voters, certificate of oaths, tally lists, and *return* of the election is required to be made and to be delivered to the clerk of the court of common pleas of the county, to be filed in his office within three days after the election.

As soon as all the votes given for any candidate are counted and read off, it is made the duty of the judge to announce publicly the number of votes, and to make out on the night of the election two certificates of the result, known as *election returns*, showing all the votes given for each candidate, and to file one copy of this return with the clerk of the court before noon of the day following the election, which returns so filed are to be open to the inspection of every citizen. Upon their returns being completed, the judge and inspectors appoint one of their number as *return judge for the division*. The duplicate return is then delivered to the officer so appointed, who is required to meet the other judges of the *other precincts* of the same ward, on the day after the election, who, when met, are to ascertain and add up the votes cast for each candidate in their ward, and to make out a complete return for the ward, showing the aggregate vote cast for each.

Upon the result of the election in the ward having been ascertained in this mode by the return judges of the divisions, one of their number is appointed as a *return judge* for the *ward*, to whom this *ward* return is delivered, and whose duty it is to meet the other return judges of the *twenty-four* wards of the city, on the third day after the election, and to examine and add up the *ward* returns for the purpose of determining what candidates have been elected in the city.

In respect to the election of members of Congress, when the return judges of the wards have ascertained which candidate has received a plurality of votes, they are required to make out a *certificate* setting forth the number of votes cast for each candidate, as found by the ward returns, and to issue their *certificate* of *election* in favor of the successful candidate, and to transmit a copy of it to the secretary of state.

Upon the certificate of these return judges being received by the secretary of state, it is made the duty of the governor to issue his proclamation, showing the election of the successful candidate.

The election in question took place on the 9th day of October, 1860, at which the governor, State senators, and representatives, as well as representatives to Congress were chosen. All these four officers

were voted for upon the same ticket. The voters at this election were divided into *three* parties, the *Democratic*, *Republican*, and *American*, or Bell and Everett, and each party had a full list of candidates.

It appears from the testimony that all the returns from the fifty-one election divisions into which these six wards were divided, were duly filed with the clerk of the court on the day after the election, and that the addition of these returns, as they appear in the *certificates* of the *division judges*, give the sitting member 8,559 votes, to the contestant 8,427, and to Edward King, the American candidate, 2,044, being a plurality for the sitting member of 132.

The number of votes cast for the contestant in the fourth ward was 1,003, as shown by the returns of the division judges, and for the sitting member 1,558, being a majority for the latter of 555; but it appears that the division judges for that ward, having met the day after the election for the purpose of examining the division returns and adding the votes cast in that ward, made a certificate of the return of the vote of the ward, showing the above majority for the sitting member.

After this result had been ascertained and the return made out, these division judges appointed one William Byerly, one of the division judges, the return judge for the ward and gave to him the certificate of return above referred to, to be delivered to the meeting of the return judges for all the *wards* of the city, to be held on the 12th of October. Byerly, instead of delivering this certificate to the board of the return judges of the wards, fraudulently substituted in place of it, and procured the adoption by the board, of a *false* and *forged return*, purporting to be from the fourth ward, giving to the contestant 1,160 votes in that ward, and to the sitting member 1,389, thus reducing the majority of the latter in that ward to 229. This forgery so changed the aggregate vote in the district as to increase the vote of the contestant to 8,581, and to reduce that of the sitting member to 8,383, making the majority of the former 198.

There is no satisfactory evidence that this board of judges had any knowledge of the forgery at the time, and they made out their certificate of election in favor of the contestant, predicating it on the aggregate amount of votes as they appeared in the forged return from the fourth ward, together with the true returns from the remaining five wards.

One copy of this certificate was forthwith transmitted to the secretary of state, and another filed with the clerk of the court. Very soon after this Byerly was indicted for this offence at the October term of the court of quarter sessions of the city, tried before a jury, found guilty, and subsequently, on the 7th of November, sentenced to pay a fine of three hundred dollars and to imprisonment for the term of two and a half years.

On the 8th of November the governor issued his proclamation setting forth the facts in respect to the offence, trial, and conviction of Byerly, and the result of the election as it appeared in the returns of the division judges, and declaring the sitting member elected.

Upon this proclamation the sitting member, though *then* opposed

by the contestant, was admitted to his seat by a vote of the House, at the special session in July, and thereupon the contestant filed his petition in this case, which was then referred to the Committee of Elections.

On the 9th of November, the day next after the issuing of this proclamation, the contestant served upon the sitting member a notice of contest. The original notice contained thirteen specifications of the grounds upon which the contestant claimed his seat.

In the *first* he alleges that the proclamation of the governor ought to have been issued in his favor, and in the *second* that he was entitled to his seat by virtue of the certificate of the board of return judges of the wards of the city above referred to.

Under these specifications it was urged by the contestant before the committee that the governor violated the law in issuing his proclamation in favor of the sitting member, in face of the evidence contained in the certificate of the board of judges, and that the committee ought now to report in favor of his *prima facie* right, leaving to the sitting member the burden of a contestant; but the committee did not regard any questions in respect to this action of the governor as properly before them, the House having disposed of all questions of that sort by the admission to his seat of the sitting member.

Beside, the testimony adduced before the committee (aside from the record of the conviction in the case) tended to show very conclusively that the conviction and sentence of Byerly did him no injustice, and the undersigned were of the opinion that the contestant could not in law, and ought not in equity to claim any benefit from this fraud and forgery of Byerly.

In nine of the remaining specifications of the original notice the contestant alleges that in the sixth, seventh, eighth, ninth, tenth, and eleventh election divisions of the second ward; in the sixth and seventh of the third ward; and in the sixth, seventh, and eighth of the fourth ward, *the election officers in those wards*, severally, *at the close* of the election made *false and fraudulent counts and returns of the votes* in those ten divisions, making an aggregate difference in favor of the sitting member of six hundred votes and more.

These specifications were all substantially alike, differing only in the description of the election divisions and the number of votes out of which the contestant alleges he was defrauded, and *mutatis mutandis*, were in the following words:

Fourth. "I further specify, and expect to be able to prove, that at said general election in the seventh division, in the fourth ward, the election officers, after the closing of the polls at said election, did falsely and fraudulently make a false certificate under their hands and seals of the number of votes cast at said election for member of Congress, which certificate was taken and filed as a division return in the office of the prothonotary in the court of common pleas. They falsely and fraudulently counted and certified thirty votes and upwards in favor of William E. Lehman that had been fairly and legally cast and voted for John M. Butler for said office; and said votes so falsely and fraudulently taken and counted formed and constituted a part of the vote,

to wit: two hundred and thirty votes returned for William E. Lehman in said division return, and reduced by the like amount the vote which should have been returned in my favor, which vote should have been returned, to wit: seventy-four votes."

In the twelfth specification it was alleged that more than forty illegal votes were received by the election officers in each of four of the election districts in the fourth ward; and in the thirteenth, that in twelve of the remaining districts the election was a fraud, designed and perfected by the election officers, to his injury, and was in all respects unfair, illegal, and void.

On the 6th of December, some more than eight weeks after the election, the contestant served the sitting member with a supplementary notice containing eight additional specifications like the foregoing, and making the like charges of fraud and corruption against the election officers of the 8th division of the first ward; 1st, 2d and 3d, divisions of the second ward; the 2d and 3d of the third ward; and the 7th and 8th of the seventh ward; making in all eighteen election districts, and ninety election officers involved in these charges.

Appended to these last specifications was a notice to the sitting member in the following words:

"And I further notify you that, in support of my allegations and averments, I shall claim and ask to have a count of the ballots in the several ballot-boxes of the several divisions, in relation to which I have notified you now and heretofore.

"Respectfully,

"JOHN M. BUTLER.

"WILLIAM E. LEHMAN, Esq."

The above notice appears to have been the first intimation given to the sitting member that the contestant intended to resort to the kind of evidence referred to. Prior to the date of it, and for some weeks subsequent, no means seem to have been taken to determine the identity or to provide for the safe-keeping of the ballot-boxes used in those districts; nor was there any evidence before the committee that, prior to the time of his giving the above notices, the contestant had any reason to suspect the good faith of those election officers.

The sitting member made answer, under oath, to both the original and supplementary charges, denying their truth. In the answer to the supplementary charges, in referring to the notice for the reopening the ballot-boxes for the purpose of a recount, he uses the following language:

"In regard to your notification that, in support of your allegations and averments, you will claim to have a count of the ballots in the several ballot-boxes of the several divisions referred to in your specifications, I reply that the act of Congress in such case made and provided does not authorize you to open the ballot-boxes.

"You have averred that in some eighteen divisions of the first Congressional district the election officers falsely and fraudulently, in violation of their oaths, made out false certificates of the election in

regard to member of Congress. These charges impute perjury and complicity in fraud to at least ninety persons, some, if not most, of whom were favorable to your election. In addition, your political friends had secured the services of friendly 'watchers,' in conformity with our local law, in divisions where you apprehended any unfairness.

"I allege that the count of the ballots, immediately after the closing of the polls, and the certificates made out *then*, in the presence of the officers on both sides, and of the 'watchers' chosen on your behalf, and filed on the next morning in the office of the prothonotary of the court of common pleas, are the first and best evidence of the true state of the polls. An inspection of said returns, and a comparison of the vote awarded to you and the other officers who were balloted for at the said election, will show that you received a full party vote.

"It is a melancholy fact in the history of elections that, before the passage of the law requiring the separate division returns to be filed in the said office on the morning after the election, false returns had been manufactured and the ballots in the boxes altered to correspond with said false returns between the day of holding the election and the meeting of the return judges three days thereafter. The law has failed to throw a sufficient protection over the ballot-boxes containing the votes for member of Congress. There is no law providing for the gathering together and safe-keeping of the boxes in the event of a contest. They are scattered over the district in the offices of the various aldermen, who, in many instances, have scant accommodations and no fitting place of security for so sacred a deposit as the franchises of the public. These boxes are necessarily exposed and accessible to corrupt agents."

The issues were thus made upon the alleged fraud of the election officers, and the inquiries of the committee, as the undersigned understand the law, should be directed solely to the determining of those issues as presented by the parties, and to the consideration of such testimony only as should be found pertinent to sustain them as in proceedings at law.—(See *Leib's Case, Con. Elec.*, page 165.)

After the issues were so joined, the contestant, on the 29th of December, proceeded to take his testimony by opening the ballot-boxes under protest of the sitting member, and counting the ballots found in the boxes opened. Under this proceeding the contents of eleven boxes were examined, which were found in the custody, or, it might be equally proper to say, upon the *premises* of five different aldermen. *Ten* of these boxes were claimed to have been used at that number of the election districts embraced in the original and supplementary notices. *One*, that supposed to be of the ninth division of the fourth ward, was not embraced in *either notice*, but being opened during the very persistent effort made to find and identify the box used in the seventh division of the fourth ward, it was supposed to belong to the *ninth* division from the fact that the votes more nearly agreed with the official return in the ninth division than with that of any other in that ward.

The following statement exhibits the number of boxes opened, the election district to which they were claimed to belong, and the result of the recount:

FIRST WARD.

	Butler.	Lehman.	King.
Eighth division, official vote	160	214	31
Eighth division, recount	156	209	31

Butler's gain, 1 vote.

SECOND WARD.

Second division, official vote	229	134	39
Second division, recount	252	122	26

Butler's gain, 35 votes.

THIRD WARD.

Second division, official vote	112	117	59
Second division, recount	157	92	33

Butler's gain, 70 votes.

Third division, recount agrees with official.
Sixth division, recount agrees with official.

Seventh division, official vote	128	311	22
Seventh division, recount	129	309	20

Butler's gain, 3 votes.

FOURTH WARD.

Sixth division, official vote	61	232	5
Sixth division, recount	64	228	6

Butler's gain, 7 votes.

Eighth division, official vote	119	265	41
Eighth division, recount	123	260	40
John Butler	1		

Butler's gain, 10 votes.

Seventh division, official vote	44	230	5
Recount, (being second box opened for seventh)	53	218	7

Butler's gain, 21 votes.

Ninth division, official vote	176	109	10
Ninth division, recount	176	104	14

Butler's gain, 5 votes.

SEVENTH WARD.

	Butler.	Lehman.	King.
Eighth division, official vote	165	238	12
Eighth division, recount	175	228	12

Butler's gain, 20 votes.

RECAPITULATION.

Third ward, third division	0
Third ward, sixth division	0
First ward, eighth division; gain for Butler	1
Second ward, second division; gain for Butler	35
Third ward, second division; gain for Butler	70
Third ward, seventh division; gain for Butler	3
Seventh ward, eighth division; gain for Butler	20
Fourth ward, sixth division; gain for Butler	7
Fourth ward, eighth division; gain for Butler	10
Seventh division of fourth ward; gain for Butler	21
Ninth division of fourth ward; gain for Butler	5
Whole gain would be	172

The contestant, as it appears by the result of the recount, claims to have gained by it 172 votes. The majority of the sitting member, according to the official returns of the division judges, was 132, as has been before stated. If this apparent gain is allowed the contestant, he would be elected by a majority of 40 votes.

It is well settled that the primary returns of votes made under State authority, such as these *division returns*, are prima facie evidence of their legality of the number of votes cast, and the rights of the respective candidates.—(See Spaulding *vs.* Mead, Cong. Con. Elec., p. 159; Bassett *vs.* Bailey, Cong. Con. Elec., p. 254; Reed *vs.* Kneass, 2 Parsons, selected cases, p. 573.)

The inquiry now presents itself whether the testimony of the contestant is sufficient to overcome the legal effect of these division returns and the other testimony of the sitting member. In order to determine this question satisfactorily, the undersigned regard it sufficient to review that portion of the testimony taken by the parties, relating to the recount of the contents of the ballot-boxes, claimed by the contestant to have been used in *three* only of the election divisions—those of the 2*d division* of the 2*d ward*, the 2*d division* of the 3*d ward*, and the 7*th division* of the 4*th ward*.

The ballot-box of the division last mentioned was found in the possession of Alderman *McMullen*, and those of the other two divisions in that of Alderman *Carter;* these aldermen being the magistrates nearest the place of holding the election.

The testimony of the election officers in these three divisions was taken by the sitting member, showing the manner in which the election was conducted, the votes counted, tallied, and certified; but no testimony in respect to the like matters was taken by either party in respect to the election in any other district.

The gain claimed in the 7th division of 4th ward is	21
The gain claimed in the 2d division of 2d ward is	35
The gain claimed in the 2d division of 3d ward is	70
Making the gains in these three divisions	126
The gain claimed in the other eight divisions is	46
Making the aggregate gains claimed, as above stated	172

If the 46 votes above mentioned should be allowed the contestant, it would still require 87 of the remaining 126 to elect him; so that if the 70 votes above specified as gained in the 2d division of the 3d ward, or those gained in the 2d division of the 2d ward, and the 7th division of the 4th ward should be rejected, in either case the sitting member would still have the majority.

In order to command confidence in the recount of any of these ballots, it is necessary for the contestant, first, to establish the *identity* of the ballot-boxes, and, secondly, to show that *those boxes had been so kept* as to rebut any reasonable presumption that they had been tampered with. The testimony of the contestant was mainly directed to these two points; but there was much difficulty in each case, with one or two exceptions, in establishing this identity.

These boxes are provided by the city officers; and those used in the different election districts are described by the witnesses as being of the same size and color, had been used at many previous elections, tied round with tape in the same way, and sealed by dropping upon the tape melted sealingwax, ordinarily without an impression of a seal of any kind, or without labels or other indicia to denote when or in what election districts they had been before used. Twenty or more of these boxes were found with the several aldermen called on to produce them.

These boxes had been used at the several fall and spring elections in the years 1859 and 1860; those used at different elections being indiscriminately mixed together, and apparently kept in places to suit the convenience of the alderman and his family, rather than in such as were adapted to the safe-keeping of their contents.

The testimony of Alderman McMullen well illustrates the difficulty under which the witnesses labored in their efforts to identify these boxes. Those of four divisions of the fourth ward appear to have been left with this witness, though at first he seems to have been confident he had those of only three, belonging to the 6th, 7th, and 8th divisions, but after some days he supposed, from its *contents*, that he had discovered that of the 9th. He was first called on to produce the box containing the election *documents* of the *8th division*, made at the October election. He first produced a box with the label of that division upon it, which, upon being opened, was found to contain the election documents of the *presidential election*, held in November. In the same manner, while in pursuit of the box in question, three other boxes, produced by this witness, were opened before the one sought for was identified, and then identified only by its contents. The election officers, whose testimony, as to the ques-

tion of identity, would have been the best in the case, were not called at all by the contestant; and afterwards, when called by the sitting member to testify to other matters, were unable, except in a single instance, to identify these boxes, and, in respect to each box opened, they testified that, *if the boxes were the same*, the votes taken from them on the recount were not those put in them by the officers on the night of the election. The *most satisfactory* evidence as to this point of identity was the result of the recount. If it coincided with the official return of the judges and tally-list, as was the fact in *two cases*, the proof on this point was sufficiently conclusive. If the difference between the recount and the return were small, as it was in most cases, varying from one to ten, the proof of identity from the contents would be *less conclusive;* but conceding the identity of the box, and also that the difference referred to was occasioned by the election officers, its smallness, in the judgment of the undersigned, would be much stronger evidence of mistake on their part than of the criminal fraud with which they are charged.

In cases in which the disparity between the recount and the return was very considerable, the evidence of identity from the contents was far less strong, and the presumption upon this point becomes slight in proportion to the increase of this disparity. In instances in which this disparity was very large, (if admitted that it was occasioned by the election officers,) it would, unexplained, afford *stronger* presumption of fraud; but should this presumption be rebutted by satisfactory proof, it would then furnish *still stronger* evidence that the boxes had been tampered with, it being at the same time shown that what the law denominates *means* and *opportunity* existed for such tampering.

As to the manner in which these boxes were kept for the period of near three months next prior to the taking of the testimony in respect to their contents, it may be proper to let the witnesses who were charged with their custody speak in their own language. Alderman McMullen was the witness, as we have already said, in whose possession the ballot-box supposed to have been used at the 7th division of the fourth ward was found. In reply to a question asked on the cross-examination he says :

Question by Mr. Webster. Who received these boxes on the night of the election?

Answer. I received the 7th and 8th divisions; my wife received the others. I was not present. She received them after 12 o'clock at night. I put the two I received under the desk in my office. I then shut up the office ; I locked it in the inside. I left no one there to take charge. When I came back I found the boxes in the back office that had been left there by my wife ; they had been brought there after I left. I do not know who brought them, of my own knowledge; they obtained access by a side door that enters into the dwelling part of the house; that door is always open. My wife and family lived there; there was no person taking care of them. I returned on the morning of the next day, say about 9 o'clock, to the office. My office was open before that, I presume, as usual. I placed them

after that down stairs, where they remained a couple of days. When I saw the election was going to be close, I put them in my bedroom; they were there on Wednesday and Thursday. I think they were put away before the return judges met. They were in the front office, under my desk, piled up in the corner.

The boxes supposed to have been used in the second division of the second ward and in the second division of the third ward were in the office of Alderman Carter. In respect to their custody, and that of the other boxes he had in charge, he says, in his cross-examination, as follows:

Question. Were the boxes locked up or secured in any special way?
Answer. No, sir.
Question. Was it anybody's business or charge to watch these boxes and see that nobody tampered with them?
Answer. No, sir; no one in particular.
Question. Who has access to your office, where these boxes were placed, when you are not there?
Answer. My family is generally in the office, and once in a while the constable of the ward takes the liberty of going behind the desk to write.
Question. Have you been kept away from your office lately in consequence of sickness?
Answer. Yes, sir.
Question. How long?
Answer. Some three weeks the last time, and previous to that since the October election, may be seven or eight weeks in all.
Question. During that time were you confined to your room?
Answer. I was.
Question. Was your office open during that time?
Answer. Yes, sir.
Question. How many boxes have you still in your office not produced to-day?
Answer. I should guess inside of twenty.

ROBERT T. CARTER.

So far as facility of access to these boxes is concerned, they were much in the condition, as appears from the above testimony, they would have been if kept similarly exposed in the office of a country magistrate or in a county court-room, though the latter may not be "*always open*," like the offices of these aldermen.

If they were not tampered with during the long interval they were so kept, it was not for the lack of the *means* and *opportunity*. That the *motive* for such tampering existed among some portion of the people in that community would hardly be denied by the contestant, in view of the very grave charges of fraud he has made against so many of its public officers. This tampering might as well have been done by the hand of one person as more. The art and mystery of removing and replacing the kind of seal that has been described, and unwinding and rewinding the tape, may not unreasonably be presumed to have been within the intellectual capacities of many persons

whose tastes or occasions lead them to the court-room of a city alderman.

There was no *direct* evidence before the committee that the seals of these boxes had been criminally broken, nor had the committee any evidence that the convict, William Byerly, was the only person in that congressional district disposed improperly to lend his aid in promoting the election of the contestant. If, as the contestant charges, there were in that district ninety or more sworn officers who were willing to expose themselves to fine, imprisonment, and disability, in their efforts to promote the election of the sitting member, the suggestion that there might be others in the same district, *beside Byerly*, disposed improperly to aid himself ought not to be thought uncharitable.

After the contestant had closed his testimony, the sitting member proceeded to examine, in his behalf, the election officers of the divisions supposed to be most deeply tainted with the frauds. There were five election officers in attendance at the election in each of these districts, and in the seventh division of the fourth ward there were three others, known as *watchers*. The parties in this case have taken, as it seems to us, the unnecessary trouble to prove the political biases, or what is called the *politics* of each of these witnesses. This is a mode of impeaching and sustaining witnesses that, so far as we know, is not either encouraged or permitted in ordinary judicial proceedings, but we are led to infer that it was adopted in the present case out of respect to a class of persons that is said *once* to have existed, who unhappily believed that men who differed from them, either in politics or religion, were morally incapable of telling the truth. In following this classification we find that, in the seventh division of the fourth ward, the judge, inspectors, and clerks were *all democrats*, and the three *watchers republicans*. In the second division of the third ward one inspector and one clerk were Bell and Everett men, the remaining three *democrats*. In the second division of the second ward the judge, one inspector, and one clerk were *republicans*, the other two officers *democrats*.

As to the manner of conducting the election, counting the votes, returning the votes to the ballot-box, and sealing it, making the returns and tally-lists in the seventh division of the fourth ward, *three* witnesses were sworn, the judge, and both inspectors, all democrats. To testify in respect to the like matters as to the election in the second division of the third ward, *four* witnesses were called, two Bell and Everett men and two democrats; and as to the election in the second division of the second ward, three witnesses, two republicans and one democrat.

These officers had good opportunity to know the facts in regard to which they testified. They describe the acts which they performed personally, or which were done under their immediate cognizance, and which it was their sworn duty to have legally and rightly done. They state, in detail, the manner of taking the votes from the boxes at the time of counting, how and by whom counted and tallied, the exact number cast for each candidate, the number in the aggregate;

that these numbers corresponded with those in the certificate of return and tally-lists; that the same votes, and no more or less, were returned again to the box, and by whom done; that the several boxes were then sealed, by whom, and how afterwards disposed of, and by whom taken to the several aldermen.

The testimony of each of these witnesses is direct, explicit, unequivocal, and consistent; and if to be credited, it precludes in each case not only all ground or suspicion of fraud, but all probability, not to say possibility, of mistake. As a fair example of the testimony of these witnesses, (though less in detail than that of some of them,) we submit that of George H. Kendall, who is shown to belong to the Bell and Everett party, and who testified, as will be seen, in respect to the election in the second division of the third ward, in which the contestant claims a gain of seventy votes.

GEORGE H. KENDALL, a witness produced, and being duly sworn, to the questions propounded deposes and says as follows:

Examination by Mr. Hirst.

Question. Were you an officer at the October election last year, in the second division, third ward?

Answer. Yes, sir; I was the inspector.

Question. Who were the other officers?

Answer. The other inspector was Thomas Brown; Joseph Ellis was the judge; the clerks were Isaac B. Culin and D. M. Skellinger.

Question. Did you assist in the counting of the votes, after the election was closed, for Congress?

Answer. Yes, sir.

Question. Who else counted?

Answer. Mr. Brown, Mr. Ellis, and myself.

Question. Describe how they were counted?

Answer. We opened the box, emptied the tickets on the table; we then opened them, placed each party ticket, the full ticket, by themselves; we put the scratched tickets in a pile by themselves. I then picked up the tickets, the full tickets, I picked them out one at a time, and handed them down on the table to Mr. Brown, ten in number; Mr. Brown then looked at them, to see that they were right, and handed them to Mr. Ellis, the judge; Mr. Ellis called out the names, and as he called out separately, the clerks tallied down by a cross, making ten for each bundle; he then twisted the bundle and threw it in the box. I kept on with the tickets, handing them to Mr. Brown one at a time, ten in number; he would look at them and hand them to Mr. Ellis; Mr. Ellis would look at them, to see if they were right, twist them, and throw them into the box, and cry tally to the clerks; we kept on in that way until we counted all the full tickets as far as they ran, ten in a bundle; then if there were odd tickets over, after we got all the tens, we counted them, and the clerks set them on a piece of paper, separately; then we would take the scratched tickets and commence at the head name on the ticket until we got ten; then the clerks would get tally one; all scratched

tickets were kept by themselves; every man's name was called off separately up to ten, when he got tally; and if he had not ten votes, it was set down so many votes.

Question. What was the vote of that division for Congress?

Answer. W. E. Lehman had 117 votes, Mr. Butler had 112 votes, and Edward King had 59 votes.

Question. Did you place the ballots in the box and seal it up?

Answer. Yes, sir.

Question. State what number of votes for Congress were placed in the box and sealed up?

Answer. 117 for W. E. Lehman, 112 for J. M. Butler, and 59 for Ed. King.

Question. Have you any doubt that that was the true vote?

Answer. No, sir; not the least.

Question. A box has been produced here on behalf of Mr. Butler, and counted, containing 92 votes for W. E. Lehman, 157 votes for J. M. Butler, and 33 votes for Edward King; were these the contents of the box of your division as you sealed it up?

Answer. That is not the vote we sealed.

Question. Have you any doubt about it?

Answer. I have doubts of that being the vote; that is not the vote we sealed.

Cross-examination by F. M. Adams, esq.

Question. How many of the officers inside were there that acted with the same political party that Mr. Butler belonged to?

Answer. I don't know that there were any.

Question by Mr. Hirst. You and your clerk belonged to the Bell and Everett party?

Answer. Yes; as for myself, I belong to that association in that ward, and my clerk is the secretary of the association.

There has been no attempt to impeach either of these witnesses, or in any way to impair the credibility or effect of their testimony; nor is there in the case any evidence inconsistent with it, either direct or circumstantial, (except that which comes from the recount of the ballots.) If the contestant had had any reason to distrust the truthfulness of these witnesses, their recollection, or want of opportunity, there are eight other election officers who are shown to have been witnesses to the same facts, upon whom it was competent for him to call, four of whom belonged, as is shown, to the same political party with himself. The fact that he did not call them raises the presumption that their testimony, in his opinion, would not have aided his cause.

The undersigned have now presented enough of the facts and testimony in this case to form the basis for the conclusions to which they have come, under their views of the law in respect to the rights of these parties.

The contestant, as the case stands, claims that he has been deprived

of his right to a seat by the false count and false return of the election officers. The language that he has used in his charges defines a *crime*, under the local law of Pennsylvania. In order, then, for him to maintain his claim, if he is to be held strictly to the rules of evidence applicable to common lawsuits in courts of justice, it is necessary for him to establish the truth of the charges in accordance with the rules of law applicable to *criminal cases.*

"It is a *presumptio juris*, running through the whole law, that no person shall, in the absence of criminative proof, be supposed to have committed any violation of the criminal law, whether *malum in se* or *malum prohibitum.* And this presumption is not limited to proceedings instituted with the view of punishing the supposed offence, but holds in all civil and other proceedings for whatever purpose originated, and whether the guilt of the party comes in question directly or collaterally."—(Best's Presumptive Evidence, p. 56.)

It seems, then, as we understand the law, that the contestant might be justly and properly held to prove the truth of his charges against the election officers, not merely by the *weight of evidence*, as in civil cases, but beyond a reasonable doubt. The only testimony, as we have seen, that tends to establish their guilt, is the recount of the ballots. Taking into view the difficulty of identifying the boxes, the manner in which they were kept, the time that had elapsed before they were opened, had those officers been on trial under an indictment for the offence, with no other testimony against them, it is a matter of grave doubt if this evidence, standing unsupported as it does, would have been sufficient to have put them upon their defence. The testimony is circumstantial, and only *one circumstance*, unsupported in any way. It may be well questioned whether this circumstance, standing as it does alone, can justly be regarded as affording evidence of higher nature than what is technically known as "*a slight presumption of guilt,*" which, it is said, "may excite *suspicion*, but is not *proof;* nor does it *change the burden of proof.*" In order to a successful prosecution of those persons in the case supposed, the testimony against them should not only be such as to *countervail* the *presumption of innocence*, which the law itself *makes evidence* for the accused in all prosecutions for crime, but also the still stronger presumption with which it fortifies and guards the official doings of its own officers. It is not enough, in such cases, that the testimony tends even strongly to establish the guilt of the accused, but that guilt must be shown to be inconsistent with any reasonable supposition of innocence.

In this connexion we invite attention to some matters and incidents that are disclosed in this case, *negatively* as well as *affirmatively*, and to some other inferences deducible from the facts proved.

There is no testimony tending to show that any prejudice, interest, or other motive existed on the part of these election officers that should induce them to injure either of the parties to this contest.

The result of the election at each poll was publicly announced on the night of the election. Nothing appears in the case to show that this result, as *then* announced, was not at the time acquiesced in by

the candidates, voters, and all interested; nor is there any intimation of any contemporaneous rumor or suspicion of fraud.

The contestant's theory of his right to a seat from the recount of the ballots is predicated on the hypothesis that the judges of election returned to the ballot-box the *same number of votes* in the *aggregate* and the *same number for each candidate* cast by the voters, and that these *identical* votes, no more nor less, were found in the ballot-boxes on the recount. Yet it will be found. on comparison, that the aggregate number of votes *taken* from these three boxes, severally, on the recount was less than the aggregate number in the official return or tally-list. How has this disparity been occasioned? Has it the hue of fraud in the judges or of tampering with the boxes?

Again: it will be apparent that the contestant can be entitled to the votes found in his favor upon the recount only upon the hypothesis that the judges *returned* to the boxes the *same votes* taken out of them. This hypothesis involves the additional assumption that these fifteen election officers, while in the act of perpetrating their crime, knowingly *sealed* up and *preserved* for the use of the prosecuting officers the best and only evidence that could convict them. What police justice ever found so strange and grotesque a combination of knavery, folly, and stupidity united in the same culprits?

There is nothing to indicate that the contestant himself supposed that he had reason to suspect these election officers till after the governor refused to issue a proclamation in his favor so as to enable him to avail himself of the fraud of Byerly, nor that he had reason to believe that proof of fraud would be revealed by unsealing the ballot-boxes, till more than eight weeks after the votes had been returned to them. Nor does it appear at what time or in what way the revelation was made to him that this *eighteen* upon which this tower of Siloam fell were any more worthy of condemnation than the residue of the ballot-boxes in the city of Philadelphia.

In those same election districts in which he claims to have lost most votes, the official returns of these judges and the tally-lists show that his vote is as large in proportion in those districts, severally, as it was in the remaining divisions of the same wards.

As has been before said, the contestant was a candidate for Congress upon the same ticket with the republican candidates for governor, State senator, and representative. To show that we are right in the above statement, we give below an exhibit of the vote of the contestant and that for A. G. Curtin, the candidate for governor, in the second, third, and fourth wards.

Second ward.			Third ward.			Fourth ward.		
Districts.	Butler.	Curtin.	Districts.	Butler.	Curtin.	Districts.	Butler.	Curtin.
First	229	234	First	137	147	First	59	60
Second	**229**	**234**	Second	**112**	**127**	Second	131	134
Third	245	258	Third	98	103	Third	110	115
Fourth	191	202	Fourth	177	189	Fourth	63	58
Fifth	198	203	Fifth	88	94	Fifth	67	63
Sixth	177	185	Sixth	61	61	Sixth	61	62
Seventh	111	113	Seventh	128	128	Seventh	**44**	**33**
Eighth	201	218	Eighth	247	249	Eighth	119	101
Ninth	107	107				Ninth	176	175
Tenth	126	121				Tenth	173	174
Eleventh	31	29						
	1,850	1,899		1,048	1,098		1,003	998

The vote for *senator* and *representative* in the above wards corresponded very nearly with that for governor. It will be borne in mind that it was in the second division of the second ward, second division of the third ward, and in the seventh division of the fourth ward, in which the largest gains are claimed for the contestant, viz: in the first named, 35; in the second, 70; and in the last named, 21.

It will be seen by inspection and computation, as has been already stated, that the aggregate and comparative vote of the contestant in the divisions where he claims the greatest fraud and loss is larger in proportion to the vote of the governor than it is in the other election districts of the same wards.

In all the election districts of the 2d ward but *three*, the contestant's vote, as returned by the judges, is *less* than that of the governor; in those three very nearly the same. If the recount is right in this 2d division, he then, instead of having 5 less, would have 18 more.

In all the election districts, but two, in the 3d ward, his vote is also *less* than the governor's, with two exceptions; and in those two it is the same. If the recount is right in the 2d division of this ward, instead of having 15 less than the governor, he would have 30 more.

In the seventh division of the fourth ward the official return shows 11 *more* votes for the contestant than for the governor—a greater number in proportion to the governor's vote than in any other district in that ward. If the gain of 21 in the seventh division is allowed, it will increase this disparity in the same proportion.

How happens this apparently strange and as yet unexplained coincidence? How was it that in these three districts the contestant should have received so much more than his party vote? If he had received such a considerable number of votes from the opposite party in these districts, or if he had in them a special *local popularity*, contrasting with his apparent *local unpopularity* in most of the other districts in these wards, a proper diligence would have furnished evidence of it less dubious than this recount of this ballot. Had the vote of the contestant in the districts in question been as much *less*

in proportion to the vote of his party, as the recount tends to prove that it was *more*, this fact would not only have been consistent with fraud in the original count and return, but would have been relied on as tending to establish it.

As this part of the testimony now stands, if the point of it is turned towards the *integrity* of the ballot-boxes, rather than against that of the judges of election, it is not the fault of the sitting member.

A party to a judicial proceeding is bound to produce at the trial the best evidence the nature of the case admits, or, if not produced, to account for its absence. Has the contestant complied with *this* rule? If the contestant was in these election districts defrauded out of votes in the way he has charged, the best evidence of it would be the testimony of the men who did it or saw it done. The *next best*, in the judgment of the undersigned, would have been the men who gave the votes for him. As has been said, the evidence by the recount of the ballots is remote and circumstantial.

Under the law of Pennsylvania the voters must be residents of the election district, and a list kept of their names when they vote, and afterwards preserved. The extent of the election districts was small, so that there could have been no serious difficulty in ascertaining the names of all the voters, their residence, and for whom they voted. If, for instance, the contestant in the 7th division of the 4th ward had 53 instead of 44 votes, and in the 2d division of the 3d ward 157 instead of 112, the testimony of the 53 men who cast them in the one case, and the 157 in the other, would have been better evidence of the truth of that fact than the recount of the ballots at any time after the day of election. If it be objected that he could not readily or easily have obtained the testimony of all these voters, we admit it *might* be so; but if his charges are true, he might without serious difficulty have shown by the voters that he was entitled to many *more* votes than he was credited with in the official returns.

That such testimony is *competent* and proper in a case of this kind, under the law of Pennsylvania, see Reed *vs.* Kneass, 2d Parsons, select cases, page 585. In the case referred to, it was charged by Reed that the election judges had made a false return in two of the election districts. The *return* showed that Reed had only 120 votes; but he proved by the voters themselves that 208 votes were cast for him, and these votes were allowed, and the return set aside on this testimony. The like testimony in this case was both competent and within the reach of the contestant, and the just inference from its non-production is, that the contestant did not believe it would benefit his case.

It was argued by the contestant before the committee that if the sitting member relied at all upon the suggestion that the ballot-boxes were violated, he was bound to prove it *affirmatively*, and to show when and by whom done. Suppose the proof upon this point were beyond all doubt, or that it were admitted that John Doe, the constable, or even Alderman Carter, had been a dozen times caught in the act of tampering with the boxes, and even convicted at the quarter sessions: we can see very clearly why testimony of this sort

would wholly defeat the contestant's claim to a seat. But how it would prove, or even *tend* to prove, that Richard Roe, the election judge, did not make a *false return* of the votes on the night of election, we have not yet been able to see.

If *John Smith* were on trial for horse stealing, he would very naturally, and we think reasonably, regard himself as entitled to a verdict of acquittal, upon conclusive proof that he did not steal the horse. But if, in addition, he were required to prove who the real thief was, he would be likely to think it *hard*, and not very *common*, law. Yet he might be able to do it; and the proof that Sam. Jones was the thief in the case supposed would be a logical defence, and show, negatively, that John Smith was not. The guilt of the one, in this case, would be inconsistent with that of the other. But the *guilt* of John Doe, the constable. in the case supposed, would be equally consistent with the *guilt* or *innocence* of Richard Roe, the election judge.

But again, it was said in the argument that the testimony of these election officers was entitled to less credit for the reason that it tended to *exculpate themselves* from the *criminal charge* made against them by the contestant, and something was said in this connexion about the maxim, *nemo allegans turpitudinem*, &c., the applicability of which to this testimony we did not fully understand. Had these same officers been called on by the contestant to prove the charge of knavery he had made against them, we might then have appreciated the pertinency of the above maxim. We find no *allegations* of turpitude connected with the case but those in the specifications of contestant. If this clamor in the specifications is false, it is libellous. If true, these men long ago should have been indicted and punished. But our professional reading has not brought to our notice any rule of evidence by which a party to a suit can impeach or discredit a witness against him by accusing him of crime till it is first proved whether the charge amounts to a crime or a libel.

But it was conceded on both sides, at the hearing of this case before the committee, that all of these election officers who have thus (if these charges are true) subjected themselves to fine, imprisonment and disability, are still at large, and that no effort has yet been made by the contestant himself, or by any one else, to bring them to trial and punishment for these alleged offences. In all well-ordered society it is looked upon as the duty of a person who suffers wrong from the crimes of a wrong-doer to use all reasonable efforts to bring the offender to punishment; and so universal is this view of the duty of the injured party, that the neglect to use such means to bring about conviction and punishment as are readily and usually at command, leads to the suspicion, if not the confident belief, that the accuser has no confidence in the truth of his own accusations. The contents of the ballot-boxes used in this case would have been as *competent* and should have been as *satisfactory* testimony before the quarter sessions at Philadelphia as before a committee of Congress at Washington. If the contestant was in the way of his duty to the people he would represent, in availing himself of that testimony in this contest for a seat in this House, in the judgment of the under-

signed he would have been quite as much in the way of his duty if he had first used the same testimony before the quarter sessions.

If the testimony in question had been successfully used before the criminal court in effecting the conviction and punishment of these alleged malefactors before the case had come before the committee, it might have made a somewhat different impression on the minds of some of that committee from that which it has now done.

This case, as it now stands before the committee and the House, in some of its important features, is of a *new type*, and, as the undersigned believe, without precedent in contested elections in Congress or elsewhere. The ballot-boxes opened in behalf of the contestant, as we have seen, were provided, used, and kept, under the statute law of Pennsylvania, and to be so kept, in the language of the law, "to answer the call of any person or tribunal authorized to try the validity of the election." In *that State*, to obtain an order of that sort it is necessary to make application to the court for it, and the application must be supported by such sworn testimony as will satisfy the court that the granting of the order would promote the ends of justice. In that State we find several reported decisions referred to in which an order for this purpose was applied for and denied, but *none* in which it has been granted. In the present case, these boxes were opened against the protest of the sitting member, by the order of the magistrate who took the testimony, and upon the demand of the contestant, without an order of any court or of this House or its committee, and without any proof, by oath or otherwise, that these boxes contained testimony pertinent to the issues in the case. In our judgment the magistrate was not a *person* nor a *tribunal* authorized to try the merits of this election, and had no authority under the law of Pennsylvania or of Congress to order those boxes to be broken open.

In the opinion of the undersigned, the objection of the sitting member to the opening of these boxes was well taken; and if that objection had not been waved at the hearing, the testimony as to the recount should have been overruled. If a practice of this sort should be sanctioned, as it will be if this case should be made a precedent, the Committee of Elections of this House, in the future, will have no occasion to be idle for the want of a docket.

What candidate for Congress in the future, whether *counted out* by the judges of election by a majority of one hundred and thirty-two or *more* or *less* than that number, would be so destitute of public enterprise as not to claim a second trial before "a mayor or recorder of any city or town in the United States," or a constabulary court of two justices of the peace, with a profert and rummage of the ballot-boxes, especially when it could be done without putting his purse in jeopardy by giving bail for cost, or filing his conscience by the cheap and easy *ex parte* oath of a litigant in court? And to what extent may we not expect to see efforts and enterprises of this sort quickened into life and intensified in earnestness when we consider that the guerdon of success, on the one hand, is a seat in this House, and that the pain

and disappointment of defeat, on the other, are soothed and mitigated, if not in fact wholly cured, by pro rata pay and congressional mileage.

The views of the undersigned in respect to this appeal to the reopening of the ballot-boxes, and of the mischiefs, abuses, and evil consequences to which it must lead, unless restrained by stringent and well-understood rules and safeguards, are so well expressed in the opinion of the court in the case of Kneass *vs.* Reed, upon a motion for opening the boxes for a recount, that we take the liberty to quote briefly from that decision:

"The authority given us by law," say the court, "is to inquire into the undue election and false returns of certain election officers. The returns of such election, made by the officers charged by law with conducting them, are to be received as true till the contrary is shown. Every fair presumption is to be made in their favor. These are fundamental principles, applicable to all sworn officers. Is it too much to require of a party who seeks to assail such returns a precise statement, authenticated by oath, of the grounds of fact upon which he impeaches the doings of hundreds of sworn officers? * * * * Ought not he who desires to search into a ballot-box to give other reasons therefor than his mere wish to do so, in the hope of finding something that may inure to his own advantage? Surely the answers to these propositions must present themselves to a calm and unbiased mind the moment they are stated. And must not the answers be, that the sworn returns are the official expression of the doings of each and every election poll, and that the contents of every ballot-box must be presumed to be truly expressed by the returns thereof?

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"The long period which must necessarily elapse between the holding the election and the arrival of the time for contesting its results would afford a terrible opportunity to deal with the thousand of ballot-boxes scattered over the State. * * * No more ingenious way could be devised to invite fraud than such looseness of procedure; and once established, a flood of evil would inevitably rush in, which those having the most acute foresight could hardly estimate the amount of. All this to some extent could be avoided by simply requiring that he who desires to scrutinize the contents of the ballot-boxes should first say, on oath, what he expects to find in each of them incompatible with the returns predicated upon them."

Whether in the face of the foregoing facts, considerations, and suggestions, *apart from the direct testimony of the sworn witnesses*, the contestant may be regarded as having established his claim to a seat in this house, either by the *weight* of *evidence* or *beyond* a *reasonable doubt*, the exigencies of the case do not require the undersigned or the House to determine. But when to the foregoing attending circumstances and incidents of the case, such as appear negatively as well as positively, there is added to the same scale the direct, explicit, and uncontradicted testimony of the election officers, the undersigned cannot doubt or hesitate in respect to the conclusion to which they should come.

It has been the aim of the undersigned to investigate, collate, and present the facts and testimony in this case in such way as they might be readily understood and appreciated, and so as to serve the ends of right and justice between the parties most immediately interested; and in the discharge of this duty they have come to the unhesitating conclusion that the testimony submitted by the parties to the Committee of Elections does not show that the contestant is entitled to a seat in this house; but that it does show that the sitting member is entitled to retain the seat heretofore awarded to him. In accordance with the foregoing conclusions, the undersigned submit the following resolutions:

Resolved, That John M. Butler is not entitled to a seat in this house.

Resolved, That William E. Lehman is entitled to a seat in this house.

SAM'L T. WORCESTER.
J. W. MENZIES.
G. H. BROWNE.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. } REPORT No. 7.

JOSEPH B. EATON,

[To accompany Bill H. R. No. 194.]

JANUARY 8, 1862.—Ordered to be printed.

Mr. BUFFINTON, from the Committee on Military Affairs, made the following

REPORT.

The Committee on Military Affairs, to whom was referred the petition of Joseph B. Eaton for payment of a claim for horses and other property furnished for the use of the mounted volunteers commanded by Lieutenant Colonel John C. Frêmont, in California, during the Mexican war, submit the following report:

That the petitioner claims payment for twenty-five horses, one saddle, and a small lot of percussion caps, purchased of one Moses Carson by Lieutenant J. W. Revere, of the United States navy, for the use of the mounted volunteers commanded by Lieutenant Colonel John C. Frémont, in California, during the war with Mexico, in the month of October, 1846, for which Lieutenant Revere gave his due bill, amounting to $653, to said Carson, and which was transferred to the petitioner by said Carson in the regular course of mercantile transactions in California.

It appears from the evidence before the committee that the due bill or certificate so issued to said Moses Carson by Lieutenant Revere, certifying that there was "due to said Moses Carson, for saddles, horses, arms, &c., (as per account,) purchased for the service of the United States, by order of Lieutenant Colonel John C. Frémont, six hundred and fifty-three dollars," with an indorsement thereon by said Lieutenant Colonel Frémont, stating that it was "within his knowledge that said supplies were furnished by Moses Carson for the service of the United States," was submitted to the board of officers appointed by the War Department, in pursuance of the sixth section of the act of Congress for the support of the army, approved August 31, 1852; but on the 11th of February, 1854, said board decided to hold the claim suspended "in order to receive from Mr. Jacob Leese (through the Fourth Auditor) the original bills or accounts which were deposited by Lieutenant Revere with Mr. Leese." Before said original bill of purchase was found in the Fourth Auditor's office, however, the said board was dissolved, whereby this claim failed to

be included in the report of "claims allowed" by said board, for the payment of which Congress made the necessary appropriation.

Subsequently said original bill of purchase has been found among the files of the Fourth Auditor's office, and a certified copy of the same is now before the committee, strictly corresponding with the due bill or certificate issued by Lieutenant Colonel Revere to said Moses Carson, as aforesaid.

It is proved by a certificate of the Fourth Auditor, dated December 20, 1859, that no payments have been made by the United States on account of said purchases.

It is proved by the deposition of one Wm. D. Phelps, who was the agent of the petitioner in California, from February, 1846, to September, 1848, that during said time he, as agent of the petitioner, bought said due bill or certificate at par in the usual course of trade.

The committee are of opinion that the petitioner has a just claim against the United States for the full amount of said certificate or due bill, viz: six hundred and fifty-three dollars, and therefore report the accompanying bill for his relief.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 8.

ROBERT BRENT—REPRESENTATIVES OF.

[To accompany H. R. No. 195.]

JANUARY 8, 1862.—Ordered to be printed.

Mr. OLIN, from the Committee on Military Affairs, made the following

REPORT.

The Committee on Military Affairs, to whom was referred the memorial of Harriet Brent, widow, and Sarah H. Brent, Ellen Brent, and Caroline Brent, daughters of Robert Y. Brent, now deceased, who was surviving executor of Robert Brent, paymaster, and paymaster general of the army, report:

That in the settlement of the accounts of the late Robert Brent, as paymaster and paymaster general of the army, from the year 1808 to 1829, of great disbursements amounting to $40,386,967 55, a balance of $20,004 94 principal, with interest thereon, is claimed as due from his estate to the United States, for which proceedings were instituted in the courts of the United States, many years ago, and are still undetermined.

And the memorialists pray that these proceedings may be discontinued in consideration of the just and equitable claims, which they pray Congress to allow as set-off, of the said estate against the United States, on the following grounds, to wit:

That, between the years 1808 and 1816, the office of said Robert Brent was changed into that of paymaster general, and a large addition made to the army, by reason of the war with Great Britain, whereby greatly increased duties and responsibilities were imposed upon him without any corresponding increase of compensation, not only in the payment of the regular army, but in the disbursements of great sums in the payment of the militia and volunteers. In addition to which was imposed on him the paying the half-pay pensioners, from all which his successors, though receiving much larger compensation, have been exempted.

That for those extra labors, responsibilities, risks, and the losses that attend such disbursements, he ought to be allowed by Congress, according to the principle which the courts have declared just, and which Congress has repeatedly sanctioned, a reasonable extra allowance or percentage on the amount, at least, of his extra disburse-

ments for the militia, volunteers, and half-pay pensioners, amounting to $3,041,994 02; for which extra compensation reference is made to the following cases:

1. That of Satterlee Clark, Pamphlet Laws, 1848 and 1849, p. 136, and to act approved March 3, 1849, and report No. 727, H. R., 30th Congress, 1st session.

2. That of Governor Tompkins, Senate doc., 29th Congress, 2d session, No. 114, pages 7, 9, and 13, and Pamphlet Laws of the United States, 1847, p. 24, and act approved February 22, 1847.

3. That of Ex-President Monroe, 20th Congress, 2d session, doc. No. 26; H. R., Ex. Doc., 20th Congress, 2d session, No. 76; reports of committee, 20th Congress, 2d session, No. 96, and 21st Congress, No. 276.

4. For allowance of interest, to the case of heirs of Colonel Charles Simms, Rep. No. 12, 34th Congress, 1st session, and bill, H. R. No. 207.

That the said Robert Brent had great difficulties, and some inevitable losses in keeping his accounts with the banks, dispersed all over the Union at that period, from many of which, to this day, no account has ever been received, and many of which have long since become insolvent. That at a period of great difficulty in the financial affairs of the country, towards the close of the war of 1812, and of great public necessity, in order to send the army under General Jackson to the defence of New Orleans, the said Robert Brent, with Colonel Monroe, then Secretary of War, raised a large sum of money from the banks, thereby pledging his whole private fortune to accomplish a great public service. That in addition to the official duty and responsibility in paying the regular army, that of indorsing and paying over large sums of treasury notes was imposed upon the said Robert Brent, with heavy risks and much additional labor, for which extra labor and risk, added to the disbursements on account of militia, volunteers, and half-pay pensioners, he never received any extra compensation.

That if the proceedings in equity alluded to, which are still pending, should proceed to a final decree, the small remnant of property left by Robert Y. Brent, surviving executor and son of said Robert Brent, by the effect of the priority claimed by the United States in such cases, will be completely absorbed, and the claims of his private creditors defeated, and the memorialists, assignees of the majority of the heirs-at-law of said Robert Brent, will be left penniless.

That the great-grandfather of the daughters of said Robert Y. Brent was one of the original proprietors of the city of Washington, and surrendered gratuitously one-half of his farm to the government for the seat of the federal metropolis, in the delusive expectation that he would find compensation for what he had surrendered in the improved value of city lots, into which the balance was converted. But that the fallacy of those hopes is matter of public notoriety, for the government having put the lots it held into the market at once, at low rates, the taxation which ensued enforced the sale of those held by the original proprietors at a ruinous sacrifice, and the result was the almost total loss of the whole property.

The committee, being satisfied that the considerations thus stated are sufficient to establish an equitable case for the favorable action of Congress, and that no appropriation from the treasury is called for, are of opinion that the proper accounting officers of the treasury should be directed to adjust, upon equitable principles, the accounts of the said Robert Brent, and that whatever balance may be due to his estate should be set off against the suits now pending by the United States in the District of Columbia.

They report the accompanying bill as embodying the views of the committee, and recommend its passage.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 9.

ANDREW J. CLEMENTS.

JANUARY 13, 1862.—Agreed to, and ordered to be printed.

Mr. DAWES, from the Committee of Elections, made the following

REPORT.

The Committee of Elections, to whom was referred the memorial of Andrew J. Clements, praying to be admitted to a seat in this House as a representative from the fourth congressional district of Tennessee, report:

That they have had the matter of said memorial under consideration, and find the following facts: By the constitution and laws of Tennessee, the time fixed for the election of representatives to the present Congress was the first Thursday of August last. Previous to that date, viz: in May last, the legislature of Tennessee, in special session, sought, by the adoption of an ordinance or declaration of independence, to declare the State independent of the United States. The State also, in the same month, by commissioners appointed for that purpose, formed a league, offensive and defensive, with the Southern Confederacy. This transaction, together with an ordinance for the adoption of the constitution of the provisional government of the Confederate States, was submitted to the people for their ratification on the 8th day of June last. In this ordinance it was also enacted that if said constitution should be adopted by the people, it should then be the duty of the governor forthwith to issue writs of election for delegates to represent the State of Tennessee in said provisional government, of whom they were to have the same number, to be elected from the same districts, as they were entitled to representatives in this Congress. The governor of the State, on the 24th of June, by proclamation, declared that these proceedings had been ratified "by an overwhelming majority." He thereupon issued another proclamation, ordering an election of delegates to the provisional congress of the confederacy on the first Thursday in August, the day fixed in the constitution and laws of the State for the election of representatives to the Congress of the United States.

The Union electors in four of the ten congressional districts, regarding these proceedings as without warrant in the constitution, and plainly in violation of its most positive injunctions, and therefore entirely void, heroically disregarding them all, cast their votes upon that day for representatives to the Congress of the United States, in conformity with the requirements of the constitution and laws of Tennessee. The number of voters who thus resisted rebellion, and discharged their duty as citizens in these several districts, cannot be exactly determined, for the law requires the sheriffs of the several counties to certify those votes to the governor, and him to make proclamation of the result. Such sheriffs as were disloyal refused to make the certificates required by law, and all that were made were suppressed by the governor, himself actively engaged in the attempt to overthrow the government. But there exists no doubt that a very large vote was cast in several of these districts for representatives to this Congress, in the face of the governor's proclamation and of a fierce and bitter spirit of denunciation and threatened violence. Too great praise cannot be awarded to the fearless voters who braved this tempest. But two gentlemen, however, have appeared here, claiming to have been chosen at that election—the Hon. Horace Maynard as the representative from the second district, for whom it is believed that nearly ten thousand votes were cast, and who now occupies a seat upon this floor by virtue of said election; and the memorialist, who claims to have been elected at the same time in the fourth district. He brings no certificate from the governor of Tennessee; but the refusal of the governor of Tennessee to grant a certificate of election to one entitled to it cannot prejudice his right to it.—(Richards's case, Hall & Clark, 95.) It may and has put him to the trouble of substantiating the fact of his election by other evidence before he can take his seat. The memorialist has presented the proper certificate of the sheriff of one county (Macon county) that he received in that county four hundred and thirty-three votes. The sheriffs of the other counties in the district failed or refused to make returns of the votes cast for him in their respective counties, being themselves either open rebels or in sympathy with the rebellion. But the statutes of Tennessee themselves, as well as the precedents of Congress, have provided for this emergency by enacting that "if the judges fail to return the poll books or list of votes, or copies of them certified as aforesaid, the same may be proved by other creditable testimony, and received as evidence in any case arising out of said election."—(Code of Tenn., sec. 870.) In accordance with this provision, the memorialist presented evidence before the committee to satisfy them that he had received, in addition to the four hundred and thirty-three returned by the sheriff of Macon county, votes in each of the other counties comprising the district, except Warren, amounting in the aggregate to more than fifteen hundred votes; making in all about two thousand votes. The proof of this has been exceedingly difficult, because of the fact that the indignation of the secessionists against the memorialist for permitting himself to be a candidate, rose to such a pitch immediately after the election that he was obliged to

flee from the State to escape assassination, and has not been able to return to it since. But he has furnished from the volunteers, now in the service of their country in Kentucky, who were his constituents and voted for him in Tennessee before leaving their State for the war, and from other testimony, evidence which has satisfied the committee of the fact. The committee are also satisfied that on the day of election there was an armed rebel force present in the district preventing or restraining the voters from the exercise of the elective franchise, and that though a violent and bitter public sentiment existed, calculated to overawe and intimidate, yet the rebel forces had not, up to that time, so taken possession of the district as to prevent such voters as chose so to do to deposit their votes for a representative in this Congress. The ordinary vote of the district is about six thousand, and then there were at the same time two candidates running for the Confederate congress, but no other candidate except the memorialist for the Congress of the United States.

In conclusion, the committee, upon the whole evidence, find that on the day of election no armed force prevented any considerable number of voters in any part of the district from going to the polls, and that on that day, in conformity with the forms of law, two thousand votes at least were cast for the memorialist as a representative to this Congress, and none, so far as the committee know, for any other person. They therefore report the following resolution, and recommend its adoption:

Resolved, That Andrew J. Clements is entitled to a seat in this House as a representative in the thirty-seventh Congress, from the fourth district in Tennessee.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 10.

FREDERICK F. BROSE—LEGAL REPRESENTATIVES OF.

[To accompany Bill H. R. No. 218.]

JANUARY 16, 1862.

Mr. SEDGWICK, from the Committee on Naval Affairs, made the following

REPORT.

The Committee on Naval Affairs, to whom was referred the petition of the legal representatives of Frederick F. Brose, report:

It appears from the papers in this case that passed-midshipman Frederick F. Brose, while on board the United States frigate Savannah, by order of Commander Samuel Mercer, performed the duties of lieutenant, there being no lieutenant on board said vessel; that he performed said duties from the 13th of October, 1853, to the 22d day of April, 1854; and the commander certifies that he performed the duties to his entire satisfaction.

The law provides that when such services are performed by a midshipman by the *order* of the commander, and that order shall be approved by the department, the midshipman performing such service shall be entitled to lieutenant's pay.—(Act August 3, 1848.)

In this case, the order of the commander was a verbal one, and the department refuse to approve of it under the act.

As the omission appears not to have been the fault of the midshipman, and as he performed the duties well, we see no reason why he should not have been entitled to his pay in accordance with the spirit of the act aforesaid.

As it appears, further, that Midshipman Brose died without receiving such pay, your committee, in accordance with the prayer of the petition, ask leave to report a bill for the relief of his legal representatives in this respect.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 11.

VISITORS TO THE JAIL IN THE DISTRICT OF COLUMBIA.

JANUARY 17, 1862.—Ordered to be printed, and the further consideration postponed to Friday, the 24th instant.

Mr. DELANO, from the Committee for the District of Columbia, made the following

REPORT.

The Committee for the District of Columbia, in answer to the House resolution of the 13th instant, respectfully report:

That they have made inquiry as to what orders have been issued by *Ward H. Lamon*, marshal of the District, designed to exclude senators, representatives, and others from admission to the District jail as *visitors*, and they submit the following as the result of their inquiry:

The marshal of the District has by law the exclusive custody of the jail, and is responsible for the safe detention of all persons there confined.

Prior to the 6th of January instant, it is believed that no specific regulations on the subject of admissions to that institution had been adopted by the marshal, but it was left to the subordinate officers to admit or exclude visitors at discretion.

On or immediately after the 6th of January, and at a time when committees of Congress were seeking a personal inspection of the jail, and otherwise pursuing their investigations as to its condition and management, the committee believe that the *marshal*, for reasons best known to himself, *did make a temporary order* to the effect that no person should be admitted *without a special permit from himself*, or unless *accompanied* by him. This order was most scrupulously observed by his sub-officials, at least so *far as senators and representatives* were concerned, some of whom were denied admission under it, till Monday the 13th instant, when a new and more discriminating set of regulations was promulgated in *writing*, which, together with the reasons for issuing them, are contained in the following communication of the marshal to the Speaker of the House, viz:

UNITED STATES MARSHAL'S OFFICE,
Washington, D. C., January 13, 1862.

SIR: Applications are frequently made by *improper* persons for admission into the public jail of Washington county *as visitors*, and the

necessity of excluding all persons as visitors, without a *pass*, has sometimes occasioned inconvenience to officers of the government who have desired such admission. By the act of the 27th of February, 1801, it is provided that the marshal of the District shall have the custody of the jail, and shall be accountable for the safe-keeping of all prisoners legally committed therein; and in the exercise of these duties, I have deemed it proper, both for the security of the prisoners and the convenience of those who may desire to inspect the jail, to make the following regulations, which are respectfully submitted to the House of Representatives, viz:

1. The President of the United States and the members of the cabinet.

2. The judges of the Supreme Court and judges of other courts of record in the District of Columbia.

3. The President of the Senate and the Speaker of the House of Representatives—

shall all be admitted at their pleasure.

4. Members of the Senate of the United States shall be admitted upon a pass, in writing, signed by the President of the Senate of the United States.

5. Members of the House of Representatives of the United States shall be admitted upon a written pass signed by the Speaker of the House of Representatives.

6. All other persons except the above named shall be admitted by obtaining a written pass from the marshal of the District of Columbia, and not otherwise.

7. The public jailor shall keep a record of the names and the date of the admission of all visitors into the jail.

I would most respectfully ask that these regulations be made known to the honorable House of Representatives.

I have the honor to be your obedient servant.

WARD H. LAMON,
U. S. Marshal for District of Columbia.

The honorable SPEAKER
of the House of Representatives of the United States.

Such being the facts, as understood by the committee, they beg leave further to say, that considering the hitherto *unregulated* system of admissions to this institution, which in the marshal's judgment had become greatly abused, they cannot but regard it as a matter strictly within his official discretion to prescribe such new and *reasonable* regulations as would remedy the existing abuse. Exercising this discretion, he has seen fit to issue the orders already recited, and though we cannot see the necessity of subjecting senators and members of the House to the idle ceremony of qualifying themselves with passes from the President of the Senate or Speaker of the House, and while we are clear that any public officer *who is not more careful of his own convenience* than that of the legislative body for the District, would take some pains to *facilitate* rather than *obstruct* the most ready access

to the public institutions of the District, yet we cannot say there is anything so palpably oppressive or onerous in this specific regulation of the marshal as to call for the special intervention of the House. We hardly think the inflation of a "little brief authority" on the part of that functionary ought to attract the attention of Congress from its more serious concerns.

The committee therefore ask to be discharged from the further consideration of the resolution referred to them.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 12.

JOSEPH SEGAR.

JANUARY 20, 1862.—Laid on the table, and ordered to be printed.

Mr. DAWES, from the Committee of Elections, made the following

REPORT.

The Committee of Elections, to whom was referred the memorial of Joseph Segar, praying to be admitted to a seat in this House as a representative in the 37th Congress from the first district in Virginia, report:

That they have had the subject-matter of said memorial under consideration, and have considered such testimony and such views in its support as the memorialist desired to offer. An argument addressed to the committee, through its chairman, may be found, printed by order of the House, in Mis. Doc. No. 29, of the present session. The committee find the following facts: A convention assembled at Wheeling, in the State of Virginia, on the 11th of June last, in which were represented, it is believed, thirty-nine counties of the State, situate in what is known as Western Virginia. This convention adopted on the 19th of June "an ordinance for the reorganization of the State government." After having declared that, because of the treasonable practices and purposes of the State convention lately held in Richmond, and of the executive of the State in connexion therewith, "the offices of all who adhere to the said convention and executive, whether legislative, executive, or judicial, are vacated." By the same ordinance a legislature, or general assembly, for the State of Virginia was created, and required to "assembly in the city of Wheeling on the first day of July, and proceed to organize themselves as prescribed by existing laws in their respective branches." Said convention subsequently elected a governor for the State of Virginia, who still holds the office thus conferred upon him.

The legislature thus created assembled as required, and passed many enactments for the whole State of Virginia, elected two United States senators, who were admitted to seats in the Senate, and assumed all the functions of the general assembly of Virginia under its pre-existing constitution and laws. The convention which created and set in motion this new government did not, however, dissolve itself upon the assumption of the several functions of government by the executive officers and general assembly which, in the exercise of

provisional powers, it had itself brought into being, but continued to hold its meetings after the assembling of the legislature, and to share with it in ordinary legislation for the whole State. The legislature was in session till the 24th of July, and how much longer the committee are not informed. The convention was in session on the 20th of August, and on that day passed an ordinance providing for the election of representatives in Congress in each district where, from any cause, such election was not held on the fourth Thursday in May last, the day provided by law for such election, and also "in the eleventh district, where a vacancy now exists, an election for such representative shall be held on the fourth Tuesday in October next, which shall be conducted, and the result ascertained, declared, and certified in the manner directed in the second edition of the Code of Virginia. The governor thereupon, on the 12th day of October, issued the following proclamation:

THE COMMONWEALTH OF VIRGINIA.

EXECUTIVE DEPARTMENT, *Wheeling, October* 12, 1861.

To the people of Virginia:

Whereas several of the congressional districts of this State are unrepresented in the House of Representatives in the Congress of the United States, by reason of failure to elect on the fourth Thursday in May last, caused by armed men in rebellion against the Constitution and laws of the United States and of this State; and it being the right of the loyal inhabitants in each district to be represented in said House by a representative of their own appointing, the convention of Virginia, on the 20th day of August, 1861, passed an ordinance directing an election to be held on the fourth Thursday in October instant, (24th,) in every district of the State so unrepresented and where vacancies exist. It is further made the law, by virtue of the ordinance aforesaid, that any person who is prevented from attending such election, by reason of the occupation of his own county by armed men in hostility to the government, that such voter may vote anywhere in his congressional district. It is further ordained that the election shall be conducted, and the result ascertained, declared, and certified, in the manner directed in the Code of Virginia of the edition of 1860. By the 11th section of chapter 7th of that code any two freeholders may hold an election directed by law at any place of voting, if no commissioner to superintend the same appears and is willing to act, or if no commissioners have been appointed to hold the election.

Now, therefore, in consideration of the premises, I, Francis H. Pierpont, governor of the Commonwealth of Virginia, do hereby entreat the loyal voters of this State to hold elections in their several districts on the day above mentioned, to the end that the people may be represented, the principle of representative government sustained, and the State have her due weight in the national legislature.

F. H. PIERPONT.

It is by virtue of an alleged election held in conformity with this proclamation that the memorialist claims the seat. The only evidence of his election, presented by the memorialist on the first day of the present session when he applied for admission, was the following certificate:

In conformity with the proclamation of Francis H. Pierpont, governor of Virginia, a copy of which is herewith attached, an election was duly held for a representative in the first congressional district at Hampton, Elizabeth City county, State of Virginia, on Thursday, the 24th day of October, 1861.

The following is a duplicate copy of the return of the votes cast at said election:

Poll opened at Hampton, Elizabeth City county, Virginia, for the election of member of Congress from the first congressional district of Virginia, October 24, 1861.

Names of voters.	Candidates.		Names of voters	Candidates.	
	Segar.	Jacobs.		Segar.	Jacobs.
J. S. Moody	1	.....	Jacob Miller	1	.....
K. Whiting	1	.....	John Watson	1	.....
Harvey Robbins	1	.....	James E. Howell	1	.....
William Stacey	1	.....	S. Kelly	1	.....
William Howell	1	.....	James Latimer	1	.....
Levi Dunn	1	.....	Willis Wilson	1	.....
Henry House	1	.....	William Bartlett	1	.....
Henry Whitaker	1	.....	Solomon D. Myster	1	.....
Thomas Watson	1	.....	Samuel Watson	1	.....
Parker Millson	1	.....	John McCunn	1	.....
John Showard	1	.....	Theodore Tennis.	1	.....
Wm. J. Burdick	1	.....	Thomas Dobbins	1	.....
Milton R. Muzy	1	.....			

I certify that the above is a correct register of the votes polled at Hampton, Virginia, this twenty-fourth (24th) day of October, 1861.

ALEX. WORRALL, *Clerk.*

We, the undersigned, freeholders of Elizabeth City county, State of Virginia, do hereby certify that the above election was conducted agreeably to the call of F. H. Pierpont, governor of the State of Virginia, by proclamation issued the twelfth (12th) day of October, A. D. 1861.

THOMAS DOBBINS.
T. S. TENNIS.

I hereby certify that the above Thomas Dobbins and Theodore S. Tennis were duly sworn by me as judges of election, held at Hampton, Elizabeth City county, State of Virginia, this twenty-fourth (24th) day of October, 1861.

CAPT. N. M. BURLEIGH,
Provost Marshal at Camp Hamilton.

Witness:
WILLIAM BARTLETT, *Teller.*

Upon a subsequent day of the session the memorialist presented the following proclamation of the governor, declaring him elected:

By the governor.—A proclamation.

Whereas the people of Virginia, in convention assembled at Wheeling, on the 20th day of August, 1861, did ordain "that in every congressional district where, from any cause, an election of representative in the Congress of the United States was not held on the fourth Thursday in May last, an election for such representative shall be held on the fourth Thursday in October next, which shall be conducted, and the result ascertained and certified in the manner directed in the second edition of the Code of Virginia:"

And whereas, in pursuance of said ordinance, an election was held in the first congressional district of Virginia, composed of the counties of Middlesex, Westmoreland, Richmond, Essex, Northumberland, King and Queen, Lancaster, Gloucester, Matthews, James City, the City of Williamsburg, New Kent, York, Warwick, Northampton, Accomac, and Elizabeth City, on the twenty-fourth day of October, 1861, at which a majority of the votes cast were given for Joseph Segar, esq.:

Now, therefore, I, Francis H. Pierpont, governor of the Commonwealth of Virginia, do declare, by this my proclamation, the said Joseph Segar, esq., duly elected to represent the first congressional district of Virginia in the thirty-seventh Congress of the United States of America.

Given under my hand and the great seal of the Commonwealth, at Wheeling, this 20th day of December, in the year of our Lord [L. S.] one thousand eight hundred and sixty-one, and in the eighty-sixth year of the Commonwealth.

FRANCIS H. PIERPONT.

By the governor:
L. A. HAGANS,
Secretary of the Commonwealth.

He also, at the same time, presented the proceedings of a meeting held in Chincoteague Island, in said district, on the 10th of December, in which one hundred and thirty-six citizens expressed their preference for him as a representative in Congress by formally voting for him on that day. For this last proceeding, however, he claimed only the force of an expression of opinion. These last-mentioned papers were

also referred to the committee. The memorialist bases his claim entirely upon the twenty-five votes cast for him at Hampton on the 24th day of October, according to the certificate of the freeholders already quoted. He asserts his claim to be a strictly legal one. That the votes cast for him were cast by legal voters in all respects in conformity with law; and that the only inquiry open to the committee or the House, beyond this conformity with the law, is, did the memorialist receive more votes than any other person? And it is not to be inquired how many votes were cast except to settle the question of a majority, for that all who do not vote are presumed to assent.

The committee have been led to investigate this claim of legality. The whole authority for this election is the ordinance of the Wheeling convention passed August 20. Assuming that the proceedings of that convention, and of the legislature and executive created by it, have ripened into a State government, legal in all respects, still the question arises, was it one of the functions of that convention to provide for the time, place, and manner of electing representatives in Congress, especially after the legislature had assembled? The purpose of that convention was the creation of a new State government. The only basis upon which it rests is necessity.

A new government must begin somewhere, and there must be somebody to make it. As necessity was the foundation, so also it was the limit of the power called into being for the sole purpose of inaugurating a new government. It could do anything necessary to carry out that purpose, and when that was done it could do no more. Its functions ceased the moment the new government took on form and life. The two cannot, in the nature of things, exist and move *pari passu*. Now, long before this ordinance had passed the convention, there was in existence a governor and a legislature having all the powers that a governor and legislature could have in Virginia—that is, all the powers which the constitution of Virginia clothes a governor and legislature with, not in conflict with the Constitution of the United States. Now, this latter instrument provides (art. 1, sec. 4) that "the times, places, and manner of holding elections for senators and representatives shall be prescribed in each State by the *legislature thereof*." It is a legislative act. It is a *law*. And the constitution of Virginia provides (art. 3, section 10) that "all laws shall originate in the house of delegates, to be approved or rejected by the senate, or to be amended, with the consent of the house of delegates." Whatever necessity may require when there is no house of delegates, when there is one all laws *shall* originate in it. They cannot originate anywhere else. If the time had been fixed in the constitution of the State, recognized and acquiesced in by the legislature, it may be said to be the act of the law-making power—a legislative act. But this time and manner were not fixed in the organic act, nor by the legislature, but by the convention assuming legislative functions in the presence of the legislature itself.

Again: the ordinance itself proposes to conform this election to the code of Virginia. It "shall be conducted, and the result ascertained,

declared and certified in the manner directed in the second edition of the Code of Virginia." Has the election under consideration been conducted in all respects according to the requirements of the Virginia code? Title 3, chapter 7, section 11, of that code provides for elections to fill vacancies in Congress, and enacts that they "shall be superintended and held by the same officers, under the same penalties, and subject to the same regulations as are prescribed for the general elections." Section 12 of the same chapter provides that "a *writ* of election shall de directed to the sheriff or sergeant of the county or corporation for which the election is to be held; or if the election is to be held for an election district, or to fill a vacancy in the Senate or in Congress, to the several sheriffs and sergeants of the counties and corporations which, or any parts of which, are included in the district. It shall prescribe the day of election, (to be the same throughout the district,) and may fix a day on which the officers conducting the election are to meet to make returns, not later than that fixed by law in the case of a regular election."

Now, in the present case there is nothing which answers to a *writ of election.* The only paper originating this election is the proclamation of the governor, of October 12, already copied into this report. This proclamation can be considered in no sense a writ of election. It commands nobody—no authorized officer to hold an election. It only "entreats the loyal voters" to hold an election, and is addressed, not to sheriffs, &c., but "to the people of Virginia." This is no technical defect. The 13th section of the same chapter of the code provides something for the several officers to whom the writ is directed to do before the election can be held. That section is in these words:

"Each officer to whom a writ of election is directed shall give notice thereof, and of the time of the election, by advertisement at four of the most suitable places in his county or corporation."

The reason of this enactment is manifest. The law, which all are presumed to know, does not fix the time of holding a special election. It is done by the governor in his "writ of election," directed to the sheriff. This provision of law is necessary to insure notoriety, and it is made the duty of the sheriff, to whom the writ is directed, to do it in a particular manner. Now, this proclamation, if a writ, is directed to no sheriff.

The memorialist stated to the committee with great frankness that there was no election held at any other precinct in the district, except Hampton, for the reason that all other parts of the district were at the time in possession of the rebel forces, and that notice, even of the election, could not pass beyond the enemy's lines to a single precinct in the district. He stated, further, that he understood that the notice reached Hampton through the agency of a gentleman, then stopping in this city, who at one time contemplated being a candidate, and who, observing the proclamation published in the National Intelligencer, communicated it by letter to some gentleman in Hampton. These statements, taken to be facts by the committee, show

conclusively a failure to comply with the provisions of that section of the Virginia code touching notice to the electors of the district, to which attention has already been called. There are other provisions of the Code of Virginia, respecting the returns of votes and duties of certifying officers, which have been wholly neglected in this case.—(See title 3, ch. 8, sections 3 and 4.) But these latter are matters of form merely, to which the committee give very little weight in the conclusions to which they have arrived.

It is apparent, from what has been already said, that, if the claim of the memorialist rests exclusively upon a strict conformity with all the provisions of law, it cannot be maintained.

But the committee do not desire to rest their conclusions upon so narrow a basis. If the Union voters of the district had had an opportunity to choose a representative—if there had been no armed occupation of the district by rebels, so that polls could have been opened at the various voting places in the district, and all who desired could have deposited their bollots, and had done so in conformity with the provisions of law, so far as the disturbed and abnormal condition of things would permit, the committee would have sought some way to give effect to such election. But enough of the facts surrounding this election have already been stated to show that such is not the case. There was but one single poll in the whole district opened, and but twenty-five votes cast. The reason why there were no other polls opened or more votes cast cannot be better expressed than by the three freeholders themselves who certify to this election. This is their language:

"And we do further certify that there was no poll opened at any other precinct in said county; and that so far as we can learn and confidently believe, there was no poll opened or election held for member of Congress in any other county or city or town of said first congressional district, owing to the fact that all the other counties and election precincts of said congressional district were, on the 24th day of October last, within the lines and under the influence and control of the seceding and rebel States."

This state of things is no fault of the memorialist or the Union voters of the district; but it did exist on the day of this election. How can it be made to appear, then, that the memorialist is the choice of the district, or that if an opportunity had existed an overwhelming majority of votes would not have been cast against him? In what sense can it be said that those who did not vote are to be presumed to acquiesce, when they neither had the opportunity to vote, nor the knowledge that voting was going on? Acquiescence presumes liberty to protest. In this instance that liberty did not exist. The memorialist laid before the committee much gratifying evidence of the esteem in which he is held in the district, and the testimonials of patriotic gentlemen to his great sacrifices in behalf of the Union cause, and to the belief that he would be most acceptable to the Union voters of the district as their representative; but this testimony, however valuable to the memorialist personally, is not evidence of an

election, and was not offered as such, but rather at the request of the committee itself.

In conclusion, the committee are, for the foregoing reasons, of opinion that the memorialist was not, by virtue of the votes cast for him at Hampton on the 24th of October last, elected a representative to this Congress from the first district in Virginia, and they accordingly recommend the passage of the following resolution:

Resolved, That Joseph Segar is not entitled to a seat in this House as a representative in the 37th Congress from the first district in Virginia..

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 13.

COLONEL ARCHIBALD CRARY—HEIRS OF.

[To accompany Bill H. R. No. 229.]

JANUARY 20, 1862.—Ordered to be printed.

REPORT.

The Committee on Revolutionary Claims, to which was referred the memorial of Archibald C. Crary, praying that compensation may be made to the heirs at law of his father, the late Colonel Archibald Crary, deceased, for his services during the revolutionary war, report:

That the memorial is true in relation to the facts stated. That an elaborate report was made to this House by the honorable Dutee J. Pearce, at the first session of the twenty-fourth Congress, (No. 337,) which is adopted and made a part of this report. The said report was accompanied by a bill (No. 352) to pay the whole brigade.

Your committee report the accompanying bill to pay the heirs of the said Colonel Crary the balance due him for his services for three years and ten months.

(See papers Nos. 1, 2, and 3.)

No. 1.

Mr. D. J. PEARCE, from the select committee to whom the subject had been referred, made the following

REPORT, (No. 337.)

The select committee to whom was referred the memorial of the officers and soldiers of the Rhode Island brigade, their heirs and representatives, submit to the House the following report:

That from the examination of the documents hereto annexed, and the acts of Congress both before and since the adoption of the federal Constitution, the committee are of opinion that the facts set forth in the memorial are substantially correct; that early in the month of December, A. D. 1776, the British landed a powerful army on the island of Rhode Island, and threatened devastation to the then four New England States, and that, with the aid of their fleet, they had

the whole control of the waters of the Naragansett bay, and thereby subjected the inhabitants living along and near the shores to great and serious alarms. That soon after this invasion, a convention was held in Providence by the four New England States, the great object of which was to devise ways and means to defend themselves against their enemies, and to arrest the progress of desolation which soon began, and which was continued during the whole time they continued in possession of the bay. By the proceedings of this convention, which are hereto annexed, it will be seen that an army of six thousand was deemed necessary to be raised by said four colonies or States, of which Rhode Island was to raise two battalions containing fifteen hundred, and a regiment of artillery of three hundred, making eighteen hundred in all. The whole subject-matter, however, of the raising of this army was to be submitted to Congress for their approbation, it being well understood it was not to be raised for local defence only, but for the common defence of the country, although urgent necessity then required it to be stationed in Rhode Island.

The Continental Congress lost no time in approving the raising of this brigade and other troops, and on the 15th of February, 1777, passed a resolve that Congress "approve of the measures adopted for the defence of that State." The brigade which had been ordered by the general assembly of Rhode Island to be raised, was then filled up, or so soon as it could be, and the whole army raised in pursuance of the recommendation of said convention by said States was placed under the command of Major General Spencer, who was appointed to its command by Congress, and the whole were taken into continental pay; and the deputy paymaster for the eastern district was ordered to furnish the means of payment, and this brigade was kept in continental pay until after the evacuation of Rhode Island and the end of the third enlistment, which was in March, 1780. It was first raised for fifteen months, and then twice for one year each time, by said general assembly, making three years and three months in all; and it appears from various resolves of Congress, which are correctly recited in the memorial, that during all this time the several acts of the legislature of Rhode Island, directing their enlistments, were fully approved of by them, and the troops were paid by officers appointed by them for that purpose, after so raised by said State.

The committee deem it unnecessary to recapitulate either all the resolves and acts of Congress or of the legislature of Rhode Island in relation to this brigade, inasmuch as they are found to be correctly stated in the memorial and also in an able report made by a select committee, to whom this subject was referred at the last session of Congress, from which the committee have thought proper to make the following extracts, contained in pages 28, 29, 33, 34, 35, 36, 37, 38, 39, and 40, and adopt as part of their report:

"It is understood and believed that no objection was made by the commissioner sent to Rhode Island under the act of May 7, 1787, to the substantial justice of this claim, to the several amounts or to the

whole sum as a charge against the United States. It was, nevertheless, rejected by him, and rejected because it was not made by the State of Rhode Island, but by the individuals to whom the money was most truly and justly due and payable. It was said the State must first assume and promise to pay these several amounts, and then she might, without having paid any part of it, charge the whole sum to the United States; and thereupon the commissioner would allow, and the United States become liable to pay, and would pay, the same. The State of Rhode Island refused to do this, because the United States had undertaken to pay these men—had paid them in depreciated currency, and therefore whatever might be due for such depreciation was a debt of the United States and not of the State of Rhode Island. That State, moreover, alleged that she was already in advance greatly to the United States, and ought not to be called on further to become indebted on their account. It therefore happened that these men, enlisted by Rhode Island and received into the service and pay of the United States, did, between these two paymasters, upon a mere point of form, lose a great part of that compensation for their severe and perilous service to which they were, by all, *admitted to be justly entitled.*

It is well known that the commissioners appointed under this and former ordinances of the Continental Congress did not finish the settlement between the United States and the several States, during the continuance of the confederation of those States.

After the adoption of the present Constitution by the several States, the Congress of the United States took up the consideration of this question of a settlement between the United States and the individual States. At the second session of the first Congress a bill for the purpose of completing that settlement was passed by both houses, and, on the 5th day of August, A. D. 1790, approved by the President. All the parts of it material to this question will be found in the hereto annexed law, as published in the United States Laws, vol. 2, page 174.

It is seen by the transcript among the documents hereto annexed, that the *final* action of the general assembly was not had on this claim until October, 1793; but the power of the commissioners, under the law of August 5, 1790, expired on the first day of July preceding. If, therefore, the senate of Rhode Island had finally concurred in the original resolves of the House of Representatives, it would then, in October, have been too late for the claimants to have derived any benefit from that concurrence. Their claim was this second time brought before the legislature of Rhode Island, by the agents of that brigade, not because they believed any act of that legislature would add to its justice or validity, but to the intent that no want of diligence, no omission or neglect should ever be alleged against them. The senate of that State did not concur in the resolves of the House of Representatives, as it is believed, because that body considered the State of Rhode Island *not* to be, and the United States *to be*, the paymaster of the troops of that brigade; because if the State were originally liable to pay them, no new promise was required by law to

establish that liability; because no allowance of the claim of any citizen could be admitted by the commissioners, unless made before the 24th of September, 1788; and, finally, because the claims of the troops of this brigade had already been ascertained *and allowed* by the legislature of Rhode Island, at their October session, A. D. 1785, as it may be seen by the record of that session above quoted in this report.

This, too, was the opinion of the most learned counsel of those days; and the written advisement of one of them, obtained at that time by the claimants, is here reported in confirmation of the fact.

Opinion of Pierpoint Edwards.

I consider the State of Rhode Island as pledged for the payment of the arrears due to Crary, Topham, and Elliott's regiments; and that it is now a debt due from that State to the several individuals whose names are entered in the report of the committee.

I consider the sums reported to be due those three regiments to be a just charge against the United States; and that the faith of the United States is pledged that it shall be admitted as credit in favor of the State of Rhode Island.

It cannot be a sound objection against an admission of the claim before the commissioners, that the State of Rhode Island has never actually paid those sums; those regiments were raised with the approbation of Congress, and by their resolutions acknowledged as part of the army raised for general defence. The State of Rhode Island, however, was the contracting party, and only contracting party known to the regiments; and to Rhode Island only could the regiments look for their pay; and the sums reported by the committee to be still due to the regiments are the arrearages of their pay due from the said State of Rhode Island, but eventually chargeable by the State of Rhode Island to the United States; to the United States, therefore, it can be of no moment whether the State of Rhode Island has as yet actually paid it, for it is a debt now lying against the State of Rhode Island, which must be paid by them.

Were this a case between John Doe and Richard Roe, it would not admit of a single doubt. John Doe says to Richard Roe, the man whom you employ to mend my fence for me I highly approve of; he shall be paid as my other laborers of the same kind; but as he made the contract with you, and he knows you, and you only, in the bargain, you must settle the account, and pay him, and charge the amount to me. Richard Roe, when the work is done, calls upon the laborer, and states with him an account, by which it is agreed by the parties that there is a balance due to the laborer of £4; would it be consistent for John Doe, when Richard Roe brings in his account, charging that balance, to say, I will not pay you, for you have not yet paid the balance, and perhaps you may finally cheat him out of his honest dues? Such answer from a private citizen would be deemed dishonorable; and, amongst all honest men, ruin John Doe's character in point of integrity.

A State is, without any doubt in my mind, liable to be sued upon its contract in all the cases enumerated in the Constitution, and specified in the act of Congress establishing the courts of the United States. Each individual whose accounts were adjusted by the committee, as it respects the State of Rhode Island, may legally claim the balance reported in his favor on the footing of an *insimul computassent;* and if any individual brings himself within the description of persons who may sue a State, he undoubtedly may maintain an action against Rhode Island.

P. EDWARDS.

If the State of Rhode Island were liable to pay the troops of this brigade, because they had been enlisted under the laws of that State, and if the United States were liable to pay them, because the service was rendered in the common cause of all the States, then, so soon as the legislature of that State had *ascertained* and *allowed* that a certain amount was due to them for arrearage of pay, or depreciation, that amount became a legal and proper charge against the United States, and should have been admitted by the commissioners at any time after the month of October, 1785. By the ordinance of May 7, 1787, claims for depreciation, though not according to any resolve of Congress, were a good charge against the United States; so, too, was the true intent and meaning of the law of August 5, 1790. If these claims had been *allowed* by any State in favor of its citizens, no payment of them by such State was, by either that ordinance or that law, required to render them a valid, proper, and legal charge against the United States, before the commissioners appointed under either of them. The claims of the Rhode Island brigade were, therefore, in the hands of this committee, rejected on mere *technical* and *artificial* grounds, alike adverse to the *equitable* construction of laws, and against the *principles* of justice.

The other aspect of this claim should not be overlooked. By that, the United States will appear to have been originally liable to pay, and, therefore, that Rhode Island was never liable *at all* to pay the troops of this brigade. That State acted as the agent, and under the *advisement*, *sanction*, and *direction* of the United States, in the enlistment and the raising of these regiments. As such agent, that State had nothing to do in regard to their wages, or the payment of them, other than to take care that justice should be done to these men by the United States, in whose behalf the State of Rhode Island acted in regard to them. What agent was ever liable for a debt contracted by him for his principal? The committee will review this case under this aspect of it. In doing this, it may be needful to state concisely many of the facts already stated.

The Continental Congress, as it appears by their resolve of February 15, 1777, approved of the act of the Rhode Island legislature, by which the brigade of that State was raised.—(See vol. 2 of the journals, page 41.) That brigade was raised as a part of the 6,000 troops determined by a committee from the legislatures of the four New England States to be necessary for the defence of that part of the country

against the British army, then lately landed, and stationed at Newport, on the island of Rhode Island. It will be remembered that Congress had, by a resolve passed September 15, 1776, required Rhode Island, as her quota of 88 battalions, to raise, equip, and send to the field two battalions. This had been fully done by that State. It is easily seen how much more than the equal share of such an army was put on that State by that requisition; for the population of it was less than 50,000, and that of all the States was little short of 3,000,000. Had the same quota, in proportion to their population, been assigned to each State, 110 battalions would have been raised, instead of 88.

The enemy continuing at Rhode Island, the legislature of that State did, in December, 1777, pass an act for the re-enlistment of these troops. This also was sanctioned by Congress, as appears, vol. 2, pages 404, 405, 406 of the journals.

It may be further seen by the resolves of Congress of October 13, 1778, (vol. 3, pages 87, 88,) that the doings of the Rhode Island legislature and the support of this brigade were approved by Congress.

In February, 1779, the legislature of that State passed an act for the further enlistment of the troops of that brigade, to serve twelve months. Congress again, on the 17th of April of the same year, "*Resolved*, That Congress approve the raising of a brigade of 1,500 men by the State of Rhode Island and Providence Plantations, for the common defence of that and the United States, for the space of one year, to be entitled to continental pay, clothing, and subsistence, and a bounty not exceeding $150 for every non-commissioned officer and soldier, upon condition that no further or other wages be allowed to said men by said State than is paid to other continental troops."—(Vol. 3, page 253, *et seq.*)

It may be supposed that these troops were sufficiently rewarded by a bounty so considerable as that authorized to be given by this resolve of Congress, and that they cannot, therefore, call on the nation for any loss sustained by them in consequence of depreciation. If gentlemen will be at the pains of looking into the journals of the Continental Congress, they will find bounties greater than those allowed to the troops of this brigade were allowed to other troops.

The alacrity with which men sprang to arms to meet the enemy at Boston, in the spring of the year 1775, induced Congress to believe that the same army which had engaged in the service voluntarily for six or eight months would, in the same manner, *re-enlist* for one, two, or three years, or during the war. Accordingly Congress did, on the 10th of November, 1775, (vol. 1, page 193,) resolve that *no* bounty should be allowed for re-enlistment. In pursuance of this policy, they, on the 10th of December following, refused to allow the account of Rhode Island for bounties paid by that State to such as had re-enlisted into the service.

In place of giving bounties to soldiers, who might thereby be induced to enter the service or to continue in it, Congress, on the 17th of January, 1776, adopted the plan of giving one dollar and one-third to recruiting officers for each man by them enlisted. The private

soldier then received for his monthly pay six dollars and two-thirds per month, and the officer received for enlisting him one-fourth part of that amount.

Congress continued this course of policy until the 26th of June, 1776, and few enlistments were made during that time for any term of service longer than one year. By a resolve of that date Congress offered a bounty of twenty dollars to all who should enlist for *three* years.—(Vol. 1, page 388) On the 8th of October, 1776, a resolution was passed offering a suit of clothes, of the value of $20, annually, to each non-commissioned officer and private who should enlist for during the war. The difficulty of recruiting increased, and called for higher bounties. Congress, on the 6th of September, 1777, *resolved*, that clothing of the value of $47⅔ should be delivered to each non-commissioned officer and private enlisted.—(Vol. 2, page 255.) Afterwards, on the 9th of October, 1778, the bounties paid by the States and by the United States were offered by Congress for three years' recruits.—(Vol. 3, page 84.) November 5, of the same year, Congress authorized Pennsylvania to offer a suit of clothes as a bounty. March 29, 1779, Congress *resolved*, that Virginia and North Carolina be required to recruit for *one year*, and to give as a bounty to non-commissioned officers and privates the sum of *two hundred dollars* each. *It will be remembered* that it was on the 17th *of April* FOLLOWING Congress resolved to permit *Rhode Island* to recruit the brigade of that State at a bounty of *one hundred and fifty dollars* to each non-commissioned officer and private for *one year*.

These bounties had not been fixed by Congress, and they accordingly rose in nominal amount as money depreciated; but the monthly pay had been fixed, and therefore, as money depreciated, the soldier, who received the *nominal* amount only of his wages, was left unpaid in exact proportion to the depreciation of the medium in which he received such wages. The complaint of the soldiers of this brigade is, not that they have not received their bounties, but that, by reason of depreciation, their wages have not been paid.

The committee look at the doings of the Rhode Island legislature, presented by the delegation of that State to Congress on the 17th of April, 1779, (vol. 3, page 253,) in the form of a preamble and resolution, in the words following, to wit: "Whereas the delegates of Rhode Island and Providence Plantations have, in pursuance of a direction from said State, represented to Congress that the legislature thereof have found it absolutely necessary to endeavor to raise a brigade of 1,500 men, officers included, for one year, for the common defence of those and the United States, and have accordingly offered a bounty of £45, (equal to $150,) the same clothing allowed continental troops, and an addition of £6 ($20) per month to their wages, for their better subsistence, and have requested that the same should be furnished and defrayed by the continent: *Resolved*, That Congress approve the raising a brigade of 1,500 men by the State of Rhode Island and Providence Plantations, for the common defence of that and the United States, for the space of one year, upon the conditions set forth in said representation, and that the bounty, pay, clothing,

and subsistence of said brigade shall be supplied and furnished at continental expense."

This resolution, after frequent debate, was finally passed *substantially* in its original form, on the 4th day of May, 1779.—(Vol. 3, pages 266, 267.)

From the statement of these facts, it seems to strike the minds of this committee very forcibly that this brigade was raised, and re-enlisted and engaged in the service three years and three months, with the approbation of Congress; that these troops were brought into the service, and continued in it at continental expense; that Rhode Island never undertook to pay, or was liable to pay, their bounties or wages, or to furnish, and never did furnish, their subsistence or clothing.*

It must be erroneously stated in the memorial that the commissioners refused to allow the account of this brigade for depreciation, BECAUSE they did not come under the resolve of Congress made on the 10th of April, 1780. That resolve related only to the troops in the *line* of the army; but these, the *regular* continental troops, were *not* of the *line* of the army. That resolve had relation, in its retrospective operation, to those troops only which had been engaged for three years, and were THEN in service; but the troops of this brigade had been enlisted for their last year in February, 1779, and their whole term of service had expired some time before this resolution was passed by Congress. It would, of all things, be most unjust to govern their compensation by a law not made until *after* service was rendered. Equally unjust would it have been to have rejected their claim for depreciation *because* they did not serve *three* years under *one* enlistment. These troops, it is known, were raised to repel the invasion of the United States, made by the enemy on the island of Rhode Island in December, 1776. It could not have been foreseen or imagined at that time that 5,000 troops of the enemy would have held that post, and suffered themselves to be blockaded on that island for three years. It would, therefore, have been improvident to have enlisted troops for three years to hold them in check. This brigade was accordingly engaged first for fifteen months, and then, by two other successive engagements, continued in the service until, by the departure of the enemy from that post, there was no further need of their continuance in it. That resolve, moreover, related to the quotas of troops furnished by each State, according to the requisitions of Congress from time to time made on the States, and looked forward to unfinished service, or to such as had not yet commenced. This brigade were extra troops furnished by Rhode Island, which had *already* furnished her requisite quota, being two battalions. It was an extra amount of service furnished by that State, or by individuals of that State, for which the *United States* were bound to pay. This is a necessary consequence of the 5th article of the confederation: "All charges of the war, and all *other* expenses that shall be incurred for the *common* defence and *general* welfare, and *allowed* by

* Alluding to a memorial formerly presented to Congress.

the *United States in Congress assembled*, shall be defrayed out of a *common treasury*."

It will not be contended either that this service was *not* for the common defence, or that it was *not* allowed by the United States in Congress assembled. The committee look at the doings of Congress from first to last, as referred to in their journal. The *raising* of these troops was not only *allowed* but *urged* and *insisted upon* by Congress. Never was service more necessary for the *common defence*. At the mouth of Narragansett bay lies the island of Rhode Island. The bay is navigable for large ships-of-war thirty miles north from Newport, and up to Providence. Between the island and the main, on the east, is a ferry not four hundred yards wide. On the west is the island of Conanicut, with a ferry on each side of less than one mile in breadth. The enemy, encamped on Rhode Island, might, by these means, pass on the east or west to the main land in one hour, and sail up to Providence in three hours. The very *heart* of New England was thus *open* to his incursions, and but for the army, of which Rhode Island supplied one-fourth part, these incursions might have carried fire and sword to any part of the country. The island, beautified then as it was with groves and orchards, was swept of everything combustible. The axe was put to the root of every tree, and these, together with every fence, not built of stone, were left in ashes. At every point of the coast, on both sides of the bay, wherever a sufficient guard could not be stationed, every village and farm was pillaged. The militia were called out times almost without number, and the whole people for three years might have been said to have slept every night on their arms.

For *all* these *services* and *sufferings* Rhode Island received *nothing*. Nay, when it was moved in Congress by Colonel Hamilton, of New York, and seconded by Mr. Floyd, that, in settling the share of contribution of *each* State, respectively, to the *public* treasury, according to the 8th article of the confederation, some equitable allowance should be made in favor of such States as had, or any part of them, been in possession of the enemy, that motion was indefinitely postponed.

When the commissioners appointed by Congress under ther ordinance for settling the accounts of the several States with the United States went into Rhode Island on that business, they were called upon by that State to allow and settle the account of this brigade for depreciation. This they were willing to do if the legislature of the State would *first assume* the amount of this account, and render the *State liable* for it, and then *charge* the *same* to the United States. The State refused to do this, because the troops had been raised under the *sanction* of Congress, and Congress had *resolved* that they should be *paid* at the expense of the *United States*, and because this service, being for the *common* defence, and the *United States*, and *not* the State of Rhode Island, *originally* liable for it, it was not an expenditure for which that State could, in *any* event, be made liable; and therefore, if the *United States* were *not liable* for the payment of this amount *without* the assumption of it by the State, that assumption could not

render them so. Had that State *assumed* this account, it would have been *allowed* by the commissioners, and been *funded* with other debts of the United States. It is probable some apprehension that the United States might never provide for and pay this account prevented the legislature of Rhode Island from rendering that State liable for a claim which they might ultimately thereby be called upon to pay. The United States had contracted to pay these troops, and had paid them so far as they had been paid. The State had neither paid nor contracted to pay them. For the balance due to them in consequence of depreciation the United States were, therefore, alone liable, and ought, by every principle of justice, to pay it.

It is seen by the following document how the account stood between Rhode Island and the United States:

Statement of the balances found due to and from the several States, on the settlement of their accounts with the United States, by the commissioners appointed for that purpose.

BALANCES DUE TO THE STATES.

To New Hampshire	$75,055
Massachusetts	1,248,801
Rhode Island	299,611
Connecticut	619,121
New Jersey	49,030
South Carolina	1,205,978
Georgia	19,988
	3,517,584

BALANCES DUE FROM THE STATES.

From New York	$2,074,846
Pennsylvania	76,709
Delaware	612,428
Maryland	151,640
Virginia	100,879
North Carolina	501,082
	3,517,584

At no time before the establishment of the Constitution was it believed that the United States would ever pay to the several States the balances due to them. Is it then wonderful that Rhode Island, already in advance nearly $300,000, would not consent to make any further advances to the United States? New York has never paid the balance of $2,000,000 against her; but, under the confederation, the United States has less pecuniary means at their command than New York has now under the Constitution. If, then, Rhode Island

had, under the confederation, either paid this claim or issued stock notes in payment of it, no reasonable man could have expected repayment from the United States. After the Constitution was adopted it was too late to do this; for it is seen that claims of citizens, to become a charge against the United States, must have been allowed before the 24th September, 1788. Besides, if Rhode Island had made this debt her own, by paying the claimants, she must have lost more than twenty per centum of the whole, as is apparent by the following statement of the manner in which balances were paid to the creditor States.

For the balance due to the States the following stocks were issued, viz:

States.	Six per cent. stock, bearing interest from Jan. 1, 1791.	Six per cent. stock, bearing interest from Jan. 1, 1801.	Three per cent. stock, for interest to Dec. 31, 1790, on the balances due the States, bearing interest from Jan. 1, 1791.
New Hampshire	$50,036 67	$25,018 33	$15,011 00
Massachusetts	832,534 00	416,267 00	249,760 00
Rhode Island	199,740 67	99,870 33	59,922 20
Connecticut	412,747 33	206,373 67	123,824 20
New Jersey	32,686 67	16,343 33	9,806 00
South Carolina	803,985 33	401,992 67	241,195 60
Georgia	13,325 33	6,662 67	3,997 60
Total	2,345,056 00	1,172,528 00	703,516 80

On these stocks the interest was payable quarterly. The principal of the six per cents. was paid in small sums yearly, and the payment finished in 1824; the three per cents. were paid off in 1832. This funding system, it will be seen, was established and carried into effect on rules by which the principal of the public debt due to citizens of the several States, and to those States also, was paid *out of money saved by not paying or by deferring the payment* of interest. By this there was a saving to the United States, and loss to their creditors aforesaid, of *more than twenty per cent.* Had Rhode Island paid the troops of her brigade for their depreciation, she must have suffered this loss. She lost this on her whole advances to the United States; and can it be wonderful that, with the *uncertainty of receiving* anything, and the *certainty of losing* so much for all she had paid, she should refuse to pay still more—that she should refuse to pay what the United States had promised to pay, the wages of these meritorious soldiers? It is clearly the opinion of this committee that the United States are not exonerated from this claim by any omissions of

this kind made by Rhode Island, the agent between them and the troops of this brigade; and that being liable to pay for all services rendered in the common defence, and this being clearly of that kind, the neglect or informality of proceeding, if there were any on the part of Rhode Island, *cannot discharge* the nation from *that liability*, nor can that liability be questioned. when it is so clearly seen *that all the States* were directed by Congress *to make good the depreciation* of their State troops; that Congress, at the same time, *engaged to liquidate and pay* the same; that *all* the States whose records or laws are accessible to this committee *did make good* that depreciation, and charge the amount to the United States; that the United States appointed commissioners, with *express powers and directions* to allow these charges; and that they were finally allowed and paid by the United States, in stocks, according to the funding system.

Should it be objected that the settlement made by the commissioners appointed under the law of August 5, 1790, was final and conclusive, it is enough to say, in answer to this, that Congress has already removed that objection, by opening that settlement, in two instances. The first was in favor of Virginia, by a law approved July 5, 1832. By this law the Secretary of the Treasury is authorized and directed to settle with that Commonwealth for the claims of her revolutionary officers of the State establishment and in her naval service for half pay for life allowed to them by the laws of Virginia, and to pay to them or their heirs whatever may be found due, out of any money in the treasury not otherwise appropriated. It is admitted in the memorial of Virginia for this claim that the whole amount will be not less than $681,488 66.

The other instance is in favor of New Jersey, and is a claim for depreciation of pay, made by the personal representatives of Lord Sterling. That State had, in pursuance of the resolve of Congress of the 28th of September, 1781, above recited, settled with Lord Sterling, one of the general officers of that State, and given him, for the balance of his depreciation, two certificates therefor; one for £534 1*s.* 6¼*d.*, the other for £162 4*s.* 6¾*d.* The smallest of these certificates had been paid by New Jersey, but the largest had not been paid, nor ever laid before the commissioners aforesaid, appointed to settle the accounts between the United States and the several States. The memorial of the trustees of the widow of Lord Sterling stated these facts, and, upon due proof of them, their claim was allowed, and has been paid in full, with interest, in pursuance of a law passed at the last session of Congress."

The committee conceive that the great difficulty that has attended the settlement of the claims of these troops has grown out of their peculiar mixed character. They were not, strictly speaking, either *continental* or *State* troops entirely. They were State as to their being *raised*, and continental as to their *pay*. Had they been wholly State, the State would have paid them, and charged it to the United States; or had they been purely continental, no difficulty would have prevented their pay. Thus having two paymasters, they have failed of getting their pay for depreciation of either.

But there is one other important fact in relation to these claims which the committee cannot overlook. It is decisive, so far as consistency in legislation is binding. The troops raised by the States of Connecticut and Massachusetts, pursuant to the advisement of the conventions which met at Providence and Springfield, and sent to Rhode Island, have been paid their depreciation, it is reasonable to infer from the documents hereto annexed from the archives of those States. If the ordinances and laws of Congress were made broad enough, therefore, to cover them, consistency requires they should be to cover these also, and that technical difficulties should never be let in to defeat substantial justice. So far as this committee have understood, there never has been any objection to the *justice* of these claims. The difficulty has been merely in relation to the mode of payment—Congress prescribed one way and the State of Rhode Island another. Between the two modes the veterans have not been paid. It is true a former Congress, on the 15th of May, 1783, resolved the claim for depreciation of this brigade to be "inadmissible," but the reason given in the resolve itself affords a sufficient explanation why it did so. It was because, at *that time*, Congress, in the language of the resolve, had "made no provision" for the claims of these or any other troops, unless they come within the letter of the resolve of April 10, 1780. But the old Congress soon found they could not settle with the States until such provision was made, and hence they began to extend their provisions in 1784, which was followed up by the ordinance of May 7, 1787, which made ample provision for all such claims, if assumed by the State; and by the act of Congress of August 5, 1790, still more extensive provisions were made, coupled, however, with the same condition, that they should first be assumed by the States. It is true Congress made the *promise* in 1780, but never passed any act by which that promise could be performed until May 7, 1787. Hence, at the time the above resolve of May 15, 1783, was passed, no mode had been pointed out, or provision made, by which the promise of 1780 could be carried into effect. It is one thing to adopt a principle and another to carry that principle into action. It is one thing to *promise* to pay and another to *pay*. All this brigade now asks is to have suitable provisions made to carry into effect the promise held out in the resolve of August 12, 1780. The committee can see no impropriety in this request.

The States would not settle upon the terms offered in the resolve of April 10, 1780, for many had already paid this item of expense to their troops, who did not and could not come within that resolve, but which did come within the meaning of the resolve of the 12th of August of the same year. Necessity as well as justice, therefore, required that more liberal provisions should be made; and hence, to meet the demands, more liberal provisions were made. Now, let it be remembered, that all these provisions were made subsequently to the 15th of May, 1783, and the reason of that resolve will be fully explained.

The claim of Rhode Island stands upon equal, if not better, ground than that of Virginia in 1832, when allowed and paid by Congress.

It was not pretended that the Virginia claims came within the act of Congress of October 21, 1780, allowing half pay for life, or the act of March 22, 1783, commuting said half pay for five years' whole pay. The select committee to whom the Virginia memorial was referred admit "the provision heretofore made by Congress did not reach their cases, and extend to them the measure of justice they expected and demanded at the close of the war; and, failing in this, they required of Virginia to fulfil her promises, embodied in the act of assembly recited above," alluding to the act of the Virginia assembly of May, 1779, making provision for the officers, "being citizens of Virginia," enlisted in the army, whether on the continental or State line. Under this act the State was sued and judgments recovered against the State, and the State must have paid them. In relation to these suits, and the law under which they were brought, the same select committee say, "Virginia had voluntarily divested herself of one of the attributes of sovereignty, by permitting herself to be sued and impleaded in her own courts by a pre-existing law which had already passed at the October session of the legislature." In the year 1778 it was enacted "that where the auditors, acting according to their discretion and judgment, shall disallow or abate any article of demand against the Commonwealth, and any person shall think himself aggrieved thereby, he shall be at liberty to petition the high court of chancery, or the general court, according to the nature of his case, for redress; and such court shall proceed to do right thereon, and a like petition shall be allowed in all other cases to any other person who is entitled to demand against the Commonwealth any right in law or equity." And the committee go on further to say, "The officers of these regiments, and others similarly circumstanced, addressed to the auditors their demands for the half pay for life, promised in the act of 1779. These demands were disallowed; and the Commonwealth having already authorized and invited appeals from the judgment of the officer dependent upon her will to the judges of the courts who hold their seats by no precarious tenure, the officers claiming their half pay carried their demands to the courts, where the decision of the Auditor was overruled, and judgments rendered in their favor. This contest quickly found its way into the court of the last resort, (the Supreme Court of appeals,) where the decision of the chancellor was reversed, and that of the Auditor confirmed. But in this decision there was an express saving to the officers claiming half pay to have their cases readjudicated without prejudice, on fuller proof." No attempt was made to disturb this decision until within a few years past, when, as the same committee say, "fuller proof was found in an authentic record, placing the evidence of service beyond the reach of all rational doubt; and after passing again through several intermediate tribunals, the same questions were submitted to the Supreme Court and the claims allowed, by a decision from which there is no appeal."

Under these circumstances, Virginia petitioned Congress. Congress decided by an act passed July 5, 1832, to allow and pay the claims.

Now, how stands the claim of Rhode Island? The continental

Congress, on August 12, 1780, did pass a resolve, pledging themselves that they would take speedy measures for liquidating and paying all troops for what was due on account of depreciation, whether of the quota of any State or not. The claim of Rhode Island comes within the very letter of this resolve, as well as its equity; indeed, it comes within the equity of the resolve of April 10, 1780, but the resolve of 12th August, 1780, covers it entirely. The memorial asserts that this brigade was raised for the common defence of the country, and this appears not only by all the approving acts of Congress, but by the correspondence between the governor of Rhode Island and General Washington, in 1777. But it appears to this committee, that if it had been raised for "local defence" only, still it would be entitled, under the resolve aforesaid, and so it was understood when Congress passed the act of August 5, 1790. The first Secretary of the Treasury, in a report which was the foundation of that act, says, that "it appears difficult to conceive a good reason why the expenses for the particular defence of a *part* in a common war should not be a common charge, as well as those incurred professedly for the *general defence.*" But it is unnecessary to follow out this part of the subject. It appears manifest, from all the evidence, this brigade was not raised for local defence only, but for the United States in general.

Why, then, have not these claims for depreciation been paid? The committee believe simply because no act of Congress has been passed under which they could have been settled without their first being assumed by Rhode Island. The ordinance of 1787, of the Continental Congress, made ample provision for their settlement, if they had thus been assumed. So did the act of Congress of August 5, 1790, but those acts required, in the opinion of the commissioners, all claims to be assumed by the State before they could be settled.

Why did Rhode Island refuse to assume them? It is believed no other or better reason can be given than the one stated in the memorial, "that Congress hired these troops, sent a paymaster to Rhode Island to pay them; did pay them in depreciated paper, and now ought, without any interference on the part of the State, to make up such depreciation, agreeably to their pledge of August 12, 1780." The committee cannot but feel the force of this. If the State of Rhode Island had no agency in paying their troops, if no money was placed in her hands for that purpose, there could be no good reason given why Rhode Island should assume and take upon herself to pay the depreciation.

The committee believe the recital of the acts and resolutions referred to in the memorial presented this session are correct, and they are of opinion that the troops of said brigade were raised by the State of Rhode Island for the common defence of the country, with the full approbation, and at the earnest request of the Continental Congress, and with the approval of the commander-in-chief of the American army, as appears by a correspondence between him and the governor of Rhode Island, said to be recently discovered in the archives of said State, and appended to this report. That they were taken into continental pay, and were paid by continental paymasters,

without any intermediate agency of the State of Rhode Island, and like all troops were paid in paper currency, which at the time of payment had greatly depreciated in value; therefore, like other troops in the same army, under the resolves of Congress, they had the same right to expect the depreciation of their pay to be made up to them as it was to others. And the committee are further of the opinion, that the claims of the officers and men belonging to said brigade have been duly ascertained by the competent authority of Rhode Island, and that the probable and only reason why they never have been paid is simply because, as before stated, they were never assumed by the State of Rhode Island in such manner or form as would enable that State to charge them to the United States. With these facts before them, the committee have reported a bill for their relief.

MEMORIAL OF WILLIAM WILKINSON, AND OTHER SURVIVORS, OF THE OFFICERS AND SOLDIERS OF THE RHODE ISLAND BRIGADE, &c.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

The undersigned, officers and soldiers, and heirs and representatives of such, of the Rhode Island brigade, a corps raised by the State of Rhode Island during the revolutionary war, for the common defence of that and other States, respectfully represent:

That in the month of December, A. D. 1776, the British took possession of Newport, with a powerful army and fleet, which threatened the devastation of all the New England States; that, as soon as practicable after this event, at the request of Rhode Island, delegates from each of these States met in convention at Providence, to concert measures for their common defence. This convention met on the 25th of December, and soon agreed on a plan of co-operation, and they were of opinion, that while so large a body of the enemy were in the State of Rhode Island, it was necessary to keep six thousand men in said State to oppose them, and they apportioned the same among said States, to be recommended to be raised accordingly. That, in pursuance of this arrangement, Rhode Island was to raise a brigade consisting of three regiments, for fifteen months, for the defence of the United States in general, as well as Rhode Island. Before, however, this corps was raised, the proceedings of this convention were laid before Congress for their approbation; and on the fifteenth of February following, the subject having been before them several days, Congress passed a resolution fully approving of the measures adopted and recommended by this convention, for the defence of Rhode Island, as by reference thereto will fully appear. As soon as this was done, Rhode Island proceeded to raise her quota of troops.

And your memorialists further show, that at or near the expiration of the enlistment of these troops, the enemy still keeping possession of the island of Rhode Island, it was found necessary to re-enlist them for another year; which was done by order of the general assembly, in December, 1777. Previous, however, to this, a second

convention of committees, or delegates from the New England States and New York, met at Springfield, in the State of Massachusetts. This convention met on the 30th of July, 1777, and for the purpose of concerting further measures of defence against the common enemy. The proceedings of this convention were received by Congress on the 18th day of August following, but were not acted upon definitively till the 22d, 26th, and 27th of November following, when they were fully approved. The resolution of November 26 recommends to those several States to supply their respective battalions with all the necessary clothing, in addition to what had been before allowed, and to charge the same to the United States. It was also, among other things, recommended by said convention, "that the State of Rhode Island be requested to fill up, as soon as may be, their two battalions for the defence of said State; that the State of Massachusetts be desired to hasten on their two battalions they have ordered for that purpose; that the State of Connecticut be desired to raise and equip one battalion of seven hundred and twenty-eight men, with all speed, and direct them to the above service; and that the State of New Hampshire be desired to raise and equip three hundred men, with all speed, and direct them to the above purpose."

And your memorialists further show, that, by a further resolve of Congress on the 13th day of January, 1778, it was resolved, "that it be earnestly recommended to the States of New Hampshire, Massachusetts Bay, Rhode Island, and Connecticut, immediately to furnish, and keep constantly in the State of Rhode Island and Providence Plantations, for the defence of said State, their several quotas of troops, as adjusted by the convention which met at Springfield." By a resolve of the 21st of February following, General Washington was directed to order a major general to take command of the troops in the State of Rhode Island, in the place of General Spencer, resigned. In consequence of this, General Sullivan was appointed. Further, by a resolve of Congress of the 13th of June, 1778, it was resolved, "that the delegates from the States of New Hampshire, Massachusetts, and Connecticut be requested to write in the name of this Congress to their respective States, setting forth the urgent necessity of their immediately raising the quotas of troops by them respectively agreed, to be under the command of General Sullivan, for the relief of the State of Rhode Island, and to prevent further depredations."

And your memorialists would further allege that, in order to dislodge the enemy from the island of Rhode Island, General Sullivan, major general and commander of the American forces, made an attack on the 29th of August, 1778, but failed in the attempt, and was obliged to retreat. In consequence of this, the enemy still continued in possession of the island, and still continued their depredations on the inhabitants along the fertile shores of Narragansett bay, and it was again necessary to re-enlist said brigade for another year; which was done, by order of the general assembly of Rhode Island, in February, 1779. This third enlistment was submitted to the con-

sideration of Congress, who, on the 4th of May following, passed a resolution approving thereof.

And your memorialists would further show, that said brigade, which had been thus raised by the State of Rhode Island, at the urgent request of Congress, and continued in the field during three several enlistments, amounting in all to three years and three months, was also paid by Congress; that on the 14th of January, 1778, Congress resolved, "that Ebenezer Hancock, esq., deputy paymaster general of the eastern district, be directed forthwith to appoint an assistant paymaster, constantly to attend and pay the army stationed in and near Providence, for the defence of Rhode Island and Providence Plantations, and apply to Congress, from time to time, for the necessary supplies of money for the same." Under this authority, Benjamin Steele was appointed assistant paymaster, and it appears by further resolves of Congress that on the 26th of June, 1778, three hundred thousand dollars, and on the 17th of September five hundred thousand dollars more, were placed in his hands for the payment of these troops; and on the 13th of October all the advances for their clothing were approved of by Congress, as by reference to said acts will fully appear. And now your memorialists aver that said brigade performed all the services under the acts of Congress aforesaid, during the three several terms of enlistment, and were paid in manner aforesaid; but were paid in continental paper currency, which, at the several times of payment, had so far depreciated in its value that their wages were but trifling in gold and silver.

And your memorialists further aver, that, so greatly had paper money depreciated, and so greatly had the officers and soldiers of the American army generally suffered on this account, that Congress, on the 12th day of August, 1780, passed a resolve, that "it has been recommended to the several States to make compensation for the officers and soldiers to them respectively belonging, for the depreciation of their pay; and that Congress will take speedy measures for liquidating and paying what is due on that account to the officers and soldiers who do not belong to the quota of any State." That this resolve may be more readily understood, it may be observed that Congress had previously recommended (vide resolve of April 10, 1780) to the States to make compensation for depreciation to their several quotas of troops, or troops of the line; but they now resolved that such compensation should be made to officers and soldiers who do not belong to the quotas of any State. Of that class was this brigade, (although it was intended by the State of Rhode Island that they should be on the same footing as, by reference to a correspondence between the governor of Rhode Island and General Washington on this subject, will more fully appear;) and, under the hope and expectation held out by this resolve, this brigade waited until the amount of depreciation should be properly ascertained, when they expected Congress would redeem its pledge, and pay them what was due on that account.

And your memorialists further declare, that, in order to ascertain the amount due for such depreciation, the general assembly of Rhode Island, at their February session, A. D. 1784, appointed a committee

for that purpose, which committee did examine the accounts of said brigade, and did ascertain by the scale established by Congress the several sums due to each and every of the officers and soldiers belonging to said brigade on account of depreciation, and did make a report thereof to said general assembly, at their October session, 1785, which report was accepted by the general assembly, as by their records will duly appear.

And your memorialists further declare, that although Congress did, by their resolve of the 12th of August, 1780, pledge themselves that all claims for depreciation should be provided for, whether of troops belonging to the quotas of States or not, yet they have never passed any act which, at the time of passing it, provided for the settlement of the claims for depreciation of this brigade. They have passed a number of general acts providing for the settlement of similar claims of States against the United States, but never passed any act which would include this, unless first assumed and paid by the State; and they remain unpaid to this hour, although admitted by every officer of government who has ever examined them to be honestly and justly due. On the one hand, the commissioners who have been appointed to liquidate claims of a similar description against the United States could not allow these, because the State had not paid them in the first instance agreeably to the provisions of the acts under which they acted; and, on the other hand, the State of Rhode Island would not pay them, because the troops had been raised and paid under the immediate advice and direction of Congress. They said, as their wages had in the first instance been paid by the United States government, so ought what was due on account of the depreciation of those wages; that Congress hired these troops, sent a paymaster to Rhode Island to pay them, did pay them in depreciated paper, and now ought, without any interference on the part of the State, to make up such depreciation, agreeably to their pledge of August 12, 1780, aforesaid. Thus the claims of this brigade remain as they did at the close of the war, undisputed as to their justness and equity, and yet unliquidated. Nor yet have they ever been foreclosed by any act of limitation. No act has been passed which has provided for their settlement; no act has been passed excluding or annulling them; and the faith, the credit, and the honor of the United States are as much pledged in their favor as at the close of the war.

Wherefore, your memorialists humbly pray that the facts herein set forth may be duly considered, and that an act may be passed directing these claims to be paid, or that such relief may be had in the premises as to justice may seem meet.

And they, as in duty bound, will ever pray.

John Howland.	Benj. Hoppin.
Levi Lee.	James Manchester.
Samuel F. Man.	Henry B. Drown.
Geo. F. Man.	Benjamin Greene.
William Wilkinson.	James Miller.
Dan. L. Dexter.	Owen Grinnall.
Amaziah Weatherhead.	Benedick Remington.
Elias D. Trofton.	

Correspondence between Governor Cook and General Washington, referred to in the memorial of the Rhode Island brigade.

MORRISTOWN, *January* 20, 1777.

SIR: I am exceeding sorry to hear that your State has ordered several battalions to be raised for the defence of the State only, and this before proper measures are taken to fill the continental regiments. You cannot be insensible how unequal any one State is, unconnected with the others, to defend itself, if the enemy should make a descent against it with any considerable force; neither have you the least reason to think you would derive less protection from the troops if they were raised upon the continent's account than that of the State; if each State was to prepare for its own defence, independent of the others, they would all be conquered in a short time, one by one. Our success must depend on a firm union and a strict adherence to the general plan; other measures may produce a partial relief, but never can remove the principal evil.

You must be sensible the season is fast approaching when a new campaign will open; nay, the former is not yet closed, neither do I intend it shall unless the enemy quit the Jerseys. It is of the last importance to the interest of America that the new regiments be speedily levied; it will give me an opportunity in the forepart of the campaign, before the enemy can collect their force, or receive any reinforcement from home, to give them a fatal stab. Such a blow in the beginning of the season might terminate the campaign to great advantage.

I am sure the necessity of having the continental regiments immediately completed are too obvious to need any further arguments. I hope the powers of government are such as to complete the new levies by draft if they cannot be filled seasonably by voluntary enlistments. Necessity obliges me to call on you, (as I shall on every other State,) in the most pressing terms, to complete without delay your proportion of the eighty-eight battalions; I am confident the raising of two regiments at the expense of the State, before the continental regiments are complete, can answer no valuable purpose. If the enemy should make a descent upon Rhode Island with any considerable force, the opposition of two regiments would be inconsiderable. If they only infest the coast with their ships, the militia would answer a better purpose, and at a far less expense. I must confess I am ignorant of the reasons that induced the assembly to adopt the measure, neither can I conceive of the use and policy of the scheme.

I wish it may not be productive of more injury than benefit, by introducing innovations and changes that must retard the filling of the continental regiments, and consequently prejudice the general interest, which every State must have an eye to. The obligation on your State is greater than on any other, being the most exposed and the least capable of making a separate defence.

Our affairs here are in a very prosperous train; within a month

past, in several engagements with the enemy, we have killed, wounded, and taken prisoners, between two and three thousand; I am very confident the enemy's loss here will oblige them to recall their force from your State.

If I am properly supported I hope to close the campaign gloriously for America.

I am, with the greatest regard and esteem, sir, your most obedient humble servant,

GEO. WASHINGTON.

SECRETARY'S OFFICE,
Rhode Island, December 17, 1835.

True copy from the files of this office.
Witness: HENRY BOWEN, *Secretary.*

HEADQUARTERS, *Morristown, January* 24, 1777.

SIR: The situation to which I am reduced for want of a regular body of troops on whom I can depend for a length of time, makes it indispensably necessary for me to call upon you to exert yourselves in levying and equipping the number of battalions allotted to your State by the resolution of Congress, in September last. You must be fully sensible of the hardship imposed upon individuals, and how detrimental it must be to the public to have her farmers and her tradesmen frequently called into the field as militia men, whereby a total stop is put to arts and agriculture, without which we cannot possibly long subsist. But great as this inconvenience is, we must put up with it or submit to a greater—the total loss of our liberties—until our regular continental army can be brought into the field.

The above reasons alone, I hope, will be sufficient to induce you to exert yourselves; for if our new army is not ready to take the field early in the spring, we shall lose all the advantages which, I may say, we have providentially gained this winter.

While our dependence is upon militia, we have a full army one day, and scarce any the next; and I am much afraid that the enemy, one day or other, taking advantage of one of these temporary weaknesses, will make themselves masters of our magazines of stores, arms, and artillery. Nothing but their ignorance of our numbers protect us at this very time; when, on the contrary, had we six or eight thousand regular troops, or could the militia who were with me a few days ago have been prevailed upon to stay, we could have struck such a stroke as would have inevitably ruined the army of the enemy in their divided state.

I am not without hopes that, by creating a powerful diversion on the side of New York, we may still keep their force divided between that province and this; if so, and a good body of regular troops could be thrown in to me before the roads will be in a condition for the

enemy (with their reduced wagon and artillery horses) to move out, it perhaps may not be out of my power to strike a decisive blow before the spring. This is another and a forcible reason to induce you to send your new levies forward with all expedition. While the men are raising, I beg you will spare no pains to make collection of all things necessary for their equipment, not only with such as they carry with them into the field, but for their use and convenience while they are there, such as spare shoes, stockings and shirts, the want of which has been the ruin of the old army.

If these articles are provided and put into the hands of the regimental quartermasters, they can always be delivered out when wanted, and stoppages made by the paymasters.

I expect the clothier general will be with the army in a few days, when I shall give him directions to allot a proportion of the clothing lately taken and purchased for the public to each State.

I am sir, with the greatest respect, your most obedient servant,

GEO. WASHINGTON.

Hon. NICHOLAS COOKE, Esq.

SECRETARY'S OFFICE,
Rhode Island, December 17, 1835.

True copy from the files of this office.

Witness : HENRY BOWEN, *Secretary.*

PROVIDENCE, *February* 9, 1777.

SIR: I have been favored with your excellency's letters of the 20th and 24th ultimo, and have laid them before the general assembly.

The enemy having landed not less than 7,000 troops upon Rhode Island, and being possessed of the bay with a large fleet, laid us under the necessity of establishing a body of forces with all possible expedition. In this situation, when it was impracticable to fill the continental battalions, the assembly set on foot two regiments of 750 men each, and one regiment of artillery of 300 men to serve for fifteen months. The following is the form of the enlistment of the non-commissioned officers and privates: "I, the subscriber, do hereby solemnly engage and enlist myself as a soldier, in the pay of the State of Rhode Island and Providence Plantations, for the preservation of the liberties of America, and the defence of the United States in general, and of this State in particular, from the day of my enlistment for, and during the term of, fifteen months, unless sooner discharged by the general assembly; and I hereby promise to submit myself to all the orders and regulations of the army, and faithfully to observe and obey all such orders as I shall receive from time to time from my officers."

And the following is a clause in the commission issued to the officers; "and in case of an invasion or assault of a common enemy, to infest or disturb this or any other of the said States, you are to alarm

and gather together the ——— under your command, or any part thereof, as you shall deem sufficient, and therewith, to the utmost of your skill and ability, you are to resist, expel, kill, and destroy them, in order to preserve the lives, liberties, and properties of the good people of this and the other United States."

Consequently those regiments are as much held and designed to do duty in every part of the United States as the continental battalions; and to render them effectually so, they are, by act of government, put under the command of General Spencer and the other generals of the continental army. And when Congress shall have ordered them into their service, there will be no other difference between them, than that the former are enlisted for fifteen months, and the latter for three years, or during the war.

Early information of the footing upon which these troops are raised was given to our delegate in Congress, who tells us, in a letter of the 7th ultimo, that he had laid the same before Congress, and that the measures we had taken gave him great satisfaction. And I am extremely sorry it had not been also immediately transmitted to your excellency. As I am persuaded, in that case, you would have entertained a very different opinion of this measure, and been convinced that it was adopted from necessity alone, and not with the most distant idea of our making a local or separate defence, or of obstructing the enlistment into the continental battalions.

It is true that it hath had a tendency, in some degree, to cause such obstruction, which was very early obviated by an order permitting enlistments from those troops into the continental battalions. In consequence of which, Captain Thayer has in a short time enlisted forty men out of one of those regiments. I will now inform your excellency of the measures taken by this State to fill up the two continental battalions assigned by Congress as our quota of the eighty-eight battalions first ordered to be raised.

We have filled up the greater part of the vacancies in them, and enclose you a list of the officers appointed, who are directed to exert themselves in recruiting. We have also given a bounty of sixteen pounds in addition to the encouragement given by Congress, and engaged to furnish each man, in behalf of the continent, with arms, accoutrements, a blanket, and a knapsack. The assembly will make a short adjournment to try the effect of this great encouragement; and in case these measures fail of the hoped for success, will make still greater efforts to fill those battalions.

I am to request you to give me information whether there be a probability of Colonel Greene's being soon exchanged, as the assembly have left a vacancy for him in that case, and have determined to appoint Colonel Crary to the command of that regiment if that event be not likely soon to take place.

FEBRUARY 7, 1777.

To the House of Mag.:

GENTLEMEN: *Resolved*, That the aforegoing draft of a letter to his excellency General Washington be approved of, and that a fair copy thereof be made out and forwarded as soon as may be to his excellency General Washington. Voted and passed, per order.

J. LYNDON, *Clerk.*

In the upper house, read February 10, and concurred.

By order:

HENRY WARD, *Secretary.*

Agreeable to your excellency's recommendation, I have sent to Newport all the prisoners in the land service that were in the care of this State, and enclose you one of Lord Percy's receipts for them.

I am, with great esteem and respect, sir, your excellency's most obedient humble servant.

SECRETARY'S OFFICE,
Rhode Island, &c., December 16, 1835.

True copy from the files of this office.

Witness:

HENRY BOWEN, *Secretary.*

HEADQUARTERS, *Morristown, March* 3, 1777.

SIR: I was yesterday honored with your letter of the 9th ultimo.

The extracts you have been pleased to favor me with show that the two regiments of foot and that of artillery were established on a plan more extensive and generous than that of mere local defence, and the objections formerly made are almost wholly done away by the order permitting the men to be enlisted into the continental regiments. Indeed, the peculiar circumstances of Rhode Island under an invasion would furnish many apologies for the measure.

I am much obliged by your exertions to raise your quota of troops. The situation of our affairs requires every nerve to be strained to accomplish the work in the different States, and no pains should be spared to provide the men with arms and every other necessary. Our want of the former is a matter of concern to me, and it is to be regretted that the States, individually, have paid too little attention to the obtaining supplies themselves.

I cannot give a decisive answer respecting Colonel Greene's discharge. In a few days there will be a further negotiation upon the subject of prisoners, after which it may be in my power to inform you with more certainty. At present there is an impediment. As he is the first lieutenant colonel, and conducted himself with bravery and to good acceptance in the Canada expedition, I would advise

that the matter of command should lie over a little longer. After the negotiation I may be able to satisfy you.

I wish regular lists of the prisoners returned to the enemy had been transmitted, specifying the names, rank, and corps of the officers, and number of privates. A receipt similar to the one sent me does not answer the purpose.

It appears by a letter from General Arnold that the prisoners from New Hampshire had gone in, and that some exchange had been made. So far as this was of continental prisoners, 'twas wrong. Unless some regular mode is observed, and under the direction of one head, the business can never be conducted with propriety, nor the state of matters in this instance be ever known. It is necessary for us to know what officers are sent in by us, and what are returned. I would also wish to be furnished with regular accounts, or as much so as possible, of the expenses incurred by you in supporting the prisoners taken by continental arms in the land service; also of those in the marine line. They should be separate. Accounts are kept, on the part of the enemy, of all rations, disbursements, and clothing, and we should have ours ready for a settlement. In future I hope the management of prisoners will be better understood, and that the most perfect and accurate accounts will be kept, on our part, of every charge incident to their support, &c.

I have the honor to be, with great esteem, sir, your most obedient servant,

GEO. WASHINGTON.

SECRETARY'S OFFICE,
Rhode Island, December 18, 1835.

True copy from the files of this office.
Witness:

HENRY BOWEN, *Secretary.*

I certify that at the date of the foregoing letters, Nicholas Cooke was governor of the State of Rhode Island.

HENRY BOWEN, *Secretary.*

Proceedings of the convention at Providence, December 25, 1776.

At a meeting of the committees appointed by the States of the Massachusetts Bay, Connecticut, New Hampshire, and Rhode Island and Providence Plantations, convened at Providence on Wednesday, the twenty-fifth day of December, in the year of our Lord one thousand seven hundred and seventy-six,

Present: *From the State of the Massachusetts Bay.*—Hon. Thomas Cushing, esq.; Azor Orne, esq.; Hon. Tristram Datton, esq.

From the State of Connecticut.—Hon. Eliphalet Dyer, esq.; Hon. Richard Law, esq.; Nathaniel Wales, jr., esq.; Titus Hosmer, esq.

From the State of New Hampshire.—General Nathaniel Folsom, esq.; Hon. Josiah Bartlett, esq.; Colonel Supply Clap.

From the State of Rhode Island and Providence Plantations.—Hon. Stephen Hopkins, esq.; Hon. William Bradford, esq.; Henry Ward, esq.

COUNCIL CHAMBER, *December* 16, 1776.

The board, taking into their consideration a letter from the Hon. Nicholas Cooke, esq., governor of the State of Rhode Island, enclosing a resolve of the general assembly of said State, proposing that this State should appoint a committee to meet the twenty-third day of this instant, (or as much sooner as possible,) in the town of Providence, in Rhode Island, with a council of war, appointed by said State, to confer upon the expediency of raising an army for immediate defence against the British fleet and army now within the State of Rhode Island, and to consult upon every measure necessary to be taken for the support of the common cause: Thereupon,

Resolved, That it is highly necessary and expedient that the Hon. Thomas Cushing, Azor Orne, and Tristram Datton, esquires, (a committee appointed the sixteenth day of November last, by the general assembly of this State, to proceed to Providence and confer with such committees as might be appointed by the several States of New England, upon measures necessary to support the credit of the public currencies of said States,) should proceed, and they are hereby empowered to proceed, to Providence, in Rhode Island, and on the part and in behalf of this State, on the twenty-third instant, there to meet and to confer with the council of war appointed by the assembly of the State of Rhode Island; and, also, with such other committees as may be appointed by the States of Connecticut and New Hampshire, upon the expediency of raising an army for our immediate and common defence; upon the measures necessary to support the credit of the public currencies of the New England States; for preventing monopolies, and the high price of goods and the necessaries of life; regulation of vendues; embargo on shipping, and such other matters as are of general concernment to the New England States, and not repugnant to, or interfering with, the powers and authorities of the Continental Congress, and to report the result of their conference to the general court; and the secretary is hereby directed to notify the gentlemen before mentioned of this resolution of the board, enclose them a copy of the same, and desire them immediately to signify to the board whether they shall proceed upon the business aforesaid or not.

A true copy.

Attest: JOHN AVERY, *Deputy Secretary.*

STATE OF CONNECTICUT, *ss:*

[L. S.] At a general assembly of the governor and company of the State of Connecticut, in New England, in America, holden at Middletown, by adjournment, on the eighteenth day of December, anno Domini 1776.

Whereas a large body of troops of the British army, defended by a strong fleet, have taken possession of the island of Rhode Island, and threaten an invasion of some of the adjoining States of New England; and whereas the State of Massachusetts Bay and the State of Rhode Island have proposed that committees from the States of New England meet at Providence, in the State of Rhode Island, as soon as may be, to consult for their immediate defence and safety; and whereas from the operations of war in New York and New Jersey, a free communication with the Congress is, in some measure, interrupted, and the general and army of the United States are employed in their defence against the common enemy:

Resolved by this assembly, That Eliphalet Dyer, Richard Law, Nathaniel Wales, jr., and Titus Hosmer, esquires, be, and they are hereby, appointed a committee in behalf of this State, to meet the committees of the other States of New England, at Providence, in the State of Rhode Island, or at any other place where they may convene, on the twenty-third day of December instant, or as soon as may be, and consult with them of the expediency of raising and appointing an army for the more immediate defence of the New England States against the threatened invasion, as well as for the more general defence in the common cause, and of such regulations as may be necessary to support the credit of our currencies; to prevent oppressing the soldiers and inhabitants by extravagant prices; and, in general, of every measure to expedite the raising and appointing an army, or necessary for the common defence, and to make report to this assembly, or, in the recess thereof, to his honor the governor and council of safety, of whatever they may judge fit to be done, for approbation; and that suitable measures may be pursued thereon until the whole subject-matter can be laid before the honorable Congress of the United States of America, measures taken, and directions given by them thereon.

A true copy of record. Examined by

GEORGE WYLLYS, *Secretary.*

IN THE HOUSE OF REPRESENTATIVES,
December 19, 1776.

Voted, To choose a committee of three persons of this State to repair to Providence, in the State of Rhode Island, with full power, in conjunction with the other New England States, to lay a plan for settling an army of sufficient force there; and that General Nathaniel Folsom, the Hon. Josiah Bartlett, esq., and Colonel Supply Clap, be the committee of this State for that purpose.

Sent up for concurrence.

JOHN LANGDON, *Speaker.*

In council, *eadem die*, read and concurred.

E. THOMPSON, *Secretary.*

Copy examined by

E. THOMPSON, *Secretary.*

At the general assembly of the governor and company of the State of Rhode Island and Providence Plantations, begun aud holden in Providence, in the county of Providence, within and for the State aforesaid, on Friday, December thirteenth, in the year of our Lord one thousand seven hundred and seventy-six:

Whereas, a large body of the enemy hath taken possession of the island of Rhode Island, and is endeavoring to penetrate the country, so that it is become necessary for the public utility of this State that a council of war be immediately appointed: therefore

Voted and resolved, That his honor, the governor; his honor, the deputy governor; the honorable Stephen Hopkins, esq.; Ambrose Page, esq.; Mr. John Tanner; John Dexter, esq.; the honorable Joshua Babcock, esq.; Mr. Cromwell Child; the honorable William Greene, esq.; and Henry Ward, esq., be, and they are hereby, appointed a council of war; that they, or any five of them, are fully empowered to do, act, and transact all and everything and matter for the well-being and security of this State, and the United States in general; that they make and ordain all such rules, orders, and regulations for the well-governing, ordering, disciplining, clothing, and supplying the army now raised, or that may be raised by this State, and the other neighboring States in conjunction, (if such an army should be so raised,) as to them shall seem right and just; and that all such rules, orders, and regulations by them made in the recess of the general assembly, shall be of as full force and authority, to all intents and purposes, as though made and passed by this general assembly.

The above and preceding is a true copy of the act of assembly, constituting a council of war.

Witness: HENRY WARD, *Secretary.*

Resolved, That his honor the governor be requested to write to the States of New Hampshire, Massachusetts Bay, and Connecticut, enclosing the resolve of the general assembly appointing a council of war, and requesting that each of said States appoint a committee to meet the twenty-third of this instant, or as much sooner as possible, in the town of Providence in this State, with said council of war, to confer upon the expediency of raising an army for the immediate defence against the British fleet and army now within this State, whereby the militia may be relieved; and, in general, to consult upon every measure necessary to be taken for the support of the common cause.

A true copy. Witness:

HENRY WARD, *Secretary.*

IN GENERAL ASSEMBLY, *December* 27, 1776.

This assembly having requested a conference with the other States of New. England, at Providence, who have accordingly appointed committees, but with other powers and authorities than are given by this State, and consisting of a less number, it is therefore

Resolved, That the honorable William Bradford, esq., the honorable Stephen Hopkins, esq., and Henry Ward, esq., be, and they are hereby, appointed a committee to confer with the committees of the States of Massachusetts Bay, Connecticut and New Hampshire, now convened in this State, upon the expediency of raising and appointing an army for the more immediate defence of the New England States against the threatened invasion, as well as for the more general defence in the common cause, and of such regulations as may be necessary to support the credit of our currencies; to prevent the oppressing the soldiers and inhabitants by extravagant prices; and, in general, of every measure to expedite the raising and appointing an army, or necessary for common defence; and to make report to this assembly of whatever they may judge fit to be done, for approbation; and that suitable measures may be pursued thereon, until the whole subject matter can be laid before the honorable Congress of the United States of America, and measures taken, and directions given by them thereon; and that this appointment be considered as having been made and taken place on the 25th instant.

A true copy. Witness:

HENRY WARD, *Secretary*.

The committee proceed and make choice of the honorable Stephen Hopkins, esq., president, Rouse J. Helme, clerk.

DECEMBER, 1776.

Upon motion, *Resolved*, That application be made by this committee to the general court of the Massachusetts Bay to give orders to such part of the militia as are under the command of Major General Lincoln, and were ordered to march, or who may be marching through the State of Rhode Island, to be retained in the said State of Rhode Island, to oppose that body of the enemy who have landed therein, until a representation of the matter be made to Congress, and they shall give directions respecting them, or until the further motions of the enemy shall make it necessary to march them elsewhere, or further orders from said general court.

Upon motion, *Resolved*, That the application made by this committee to Major General Ward to give orders to the regiment in the continental service stationed at New Hampshire to march immediately to Providence, in the State of Rhode Island, for the defence of that State.

Henry Ward, esq., appointed to draught two letters, one to the honorable council of the Massachusetts Bay, and the other to the honorable General Ward. Mr. Ward having laid before the committee the letters he was nominated to draught, they are approved of, and the clerk is directed immediately to make fair copies of the same, to be signed by the president, and forthwith despatched.

The committee adjourn until to-morrow morning, 10 o'clock.

THURSDAY, *December* 26, 1776.

The committee met according to adjournment.

Present, the same members as yesterday.

The question being put, whether the State of Connecticut be requested to send any part of the four battalions in the service of that State, now under marching orders to the North river, to the defence of the State of Rhode Island, it passed in the negative; the committee being unanimously of opinion that those troops were necessary for the security of the posts upon the North river, and the stores there collected, which is of the utmost importance to the United States.

Upon motion, *Resolved*, That it is the opinion of this committee, that while so large a body of the enemy is in possession of Rhode Island, it is necessary to keep six thousand men in the State of Rhode Island to oppose them, who may consist of the troops from the Massachusetts Bay, under the command of General Lincoln, ordered to march, or who may be marching through the said State, supposed to be about three thousand; of the battalion of continental troops now in the State of New Hampshire, being about four hundred and fifty; of the two battalions now raising in the State of Rhode Island, consisting of seven hundred and fifty men each; and of such continental troops as are raised in the States of the Massachusetts Bay and New Hampshire, and may be most conveniently marched, as will complete the number of six thousand. That for this purpose two battalions from the Massachusetts Bay, and one from New Hampshire, be ordered to march to the State of Rhode Island in parties, as soon as twenty men or more, belonging to a company, be raised; of which three battalions one thousand are to remain in the State of Rhode Island until further orders from Congress or the State in which they are raised, and the others may march on; and that it be recommended to the States of Massachusetts Bay and New Hampshire to give the necessary orders for the march of the said battalions as aforesaid.

Resolved, That during the continuance of the enemy in the State of Rhode Island it be recommended to the several States in New England to put the forces they may send into the said State under the command of Major General Lincoln, until further orders from the respective States to which they belong, or the general Congress.

The committee adjourn until to-morrow morning, 10 o'clock.

SUNDAY, *December* 29, 1776.

The committee met according to adjournment.

Present, the same members as yesterday.

Pursuant to the resolution of this committee, entered into on the 26th instant, application having been made to the general court of the Massachusetts Bay to give orders to the forces of that State under the command of Major General Lincoln, ordered to march and who were marching through the State of Rhode Island, to be halted in that State to oppose the enemy, who have made a descent therein; and also to Major General Ward, to direct the continental regiment

in New Hampshire to march to the said State of Rhode Island; and the said general court having ordered General Lincoln, with the greatest part of the troops under his command, to march to Danbury, in Connecticut; and Major General Ward having acquainted this committee that the said continental regiment is under marching orders for Ticonderoga, which cannot be revoked, and it is necessary to supply the deficiency occasioned thereby; it is therefore

Resolved, That the body of six thousand men in the above mentioned resolution declared by this committee to be necessary for the defence of the said State of Rhode Island be supplied by the several States in New England as follows, to wit:

The Massachusetts Bay:		
Part of the troops under General Lincoln	1,300	
Militia	550	
A company of artillery	50	
		1,900
Connecticut:		
Including one of the four battalions raising in that State to supply the deficiency in the continental army		1,092
New Hampshire		300
Rhode Island:		
Two battalions, enlisted for 15 months	1,500	
A regiment of artillery, for 15 months	300	
		1,800
Continental troops		1,000
		6,092

which will make the number about six thousand, as recommended in the resolution referred to.

It is recommended to the States of the Massachusetts Bay, Connecticut, and New Hampshire to continue the forces by them sent as aforesaid into the said State of Rhode Island, keeping up their full numbers, until further orders from the respective States by which they are sent, or from the general Congress.

And that said troops, and all others sent into the State of Rhode Island, be under the command of the general of the continental army commanding in said State.

The committee adjourn until to-morrow morning, 10 o'clock.

Whereas the militia of the several States of New England may be frequently called into the same service, and many inconveniences may be prevented by their being placed upon the same footing in point of encouragement, wages, and rations:

Resolved, That it be recommended to the several States aforesaid, that whenever the militia of said States, or either of them, shall be called into service for any term less than two months, that the officers and soldiers be allowed and paid the same wages and rations that those of equal rank in the continental army are allowed and paid.

And that it be further recommended, that when the militia shall be called out for a term more than two and not exceeding four months, that the non-commissioned officers and soldiers be paid a bounty of twenty shillings; and where the term of their service shall amount to five and shall not exceed six months, that the non-commissioned officers and soldiers be paid a bounty of forty shillings, over and above the continental pay and rations, provided they shall voluntarily enlist into such services; otherwise, that they have and receive the continental wages and rations only, without any bounty as aforesaid.

And whereas the speedy filling up the quota of the continental army required of the New England States is of the greatest importance, for the furtherance thereof, it is recommended as highly necessary and expedient for the respective States to lay an embargo on all privateers, and on all shipping whatever, except what shall be specially permitted by each State for the purpose of bringing such necessaries as are absolutely needed; and also continental vessels, and armed vessels belonging to the respective States, permission being first had and obtained from the said State from whence they may depart; and that said embargo be continued until the end aforesaid, of filling up the continental army, be fully completed and accomplished. And it is further recommended to the States aforesaid that they import the articles of clothing, medicines, and whatever else may be necessary for the use of the army, on their own account and risk.

STATE OF RHODE ISLAND, &c.,
Secretary's Office, December 16, 1825.

The above is a true copy of certain parts of a document on file in my office, indorsed "Proceedings of the Committee of the New England States, at Providence, December 25, 1776."

HENRY BOWEN, *Secretary.*

Proceedings of a Convention at Springfield, July 30, 1777.

At a meeting of committees from the States of New Hampshire, Massachusetts Bay, Connecticut, Rhode Island, and New York, holden at Springfield, in the county of Hampshire, the 30th day of July, anno Domini, 1777, for the purpose of holding a conference respecting the state of the paper currency of the said governments; of the expediency of calling in the same by direct taxes or otherwise; of the most effectual, expeditious, and equal method of doing it; and to consult upon the best means for preventing the depreciation and counterfeiting of the same; and, also, to consider what is proper to be done respecting the acts lately made to prevent monopoly and oppression; and to confer upon the late acts for preventing the transportation, by land, of certain articles from one State to another; and to consider such other matters as particularly concern the immediate welfare of said States. and are not repugnant to, or interfering with, the powers and authorities of the Continental Congress; and to

report the result of their conference to the general courts in their respective States :

Present : *From New Hampshire.*—Colonel Josiah Bartlett and Colonel Nathaniel Peabody.

From Massachusetts Bay.—Hon. Thomas Cushing and the Hon. Robert T. Paine, esqrs.

From Connecticut.—Hon. Roger Sherman, Samuel Huntingdon, and Titus Hosmer, esqrs.

From Rhode Island.—Hon. William Bradford, Hon. Stephen Hopkins, and Paul Mumford, esqrs.

From New York.—John Ross Hobart, esq.

The Hon. Stephen Hopkins, esq., was chosen president, and William Pynchon, esq., clerk.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
In General Assembly, July 9, 1777.

It is voted and resolved, That a committee of three persons be appointed in behalf of this State, to meet committees from the general assemblies of the States of New Hampshire, Massachusetts Bay, Connecticut, and New York, at the town of Springfield, in the county of Hampshire. in the State of Massachusetts Bay, on the 30th day of this instant, July, in case said assemblies shall think fit to appoint such committees; then and there to hold a conference respecting the paper currency of said States; of the expediency of calling in the same ; of the most effectual, expeditious, and equal method of doing it ; of the best means to prevent the depreciation and counterfeiting of the same ; and, also, to consider what is proper to be done with respect to the acts lately made to prevent monopoly and oppression ; and to confer upon the late acts for preventing the transportation, by land, of certain articles from one State to another; and to consider such other matters as concern the immediate welfare of said States, and are not repugnant to, and interfering with, the powers and authorities of the Continental Congress; and particularly to consider and solicit some more sure and effectual method to keep up a sufficient army to oppose that body of the enemy which is now in the possession of the island of Rhode Island ; and that they report the result of their conference to this general assembly.

It is voted and resolved, That the Hon. William Bradford, esq., deputy governor, the Hon. Stephen Hopkins, esq., and Paul Mumford, esq., be, and they hereby are, appointed a committee for the purposes in the foregoing resolves mentioned.

A true copy. Examined.
Witness: HENRY WARD, *Sec'y.*

Met and conferred upon sundry matters, and adjourned till Saturday morning, 9 o'clock.

SATURDAY, *August* 2, 1777.

Met according to adjournment: present the same members.

The committee conferred upon the state of the paper currency of the said governments; of the expediency of calling in the same by taxes or otherwise; of the most effectual, expeditions, and equal method of doing it; and the best means for preventing the depreciation and counterfeiting the same: and upon full consideration, are unanimously of opinion that the quantity of paper currency emitted and in circulation in said States greatly exceeds what is necessary for a medium of trade and support of the war; whence necessarily follows the depreciation of the currency, and stagnation of their circulation, fluctuation, irregularity, and extravagance in prices; and, if not timely remedied, the total destruction of their credit, to the greatest injury of these States. They are also unanimously of opinion that the great number of bills circulating upon the credit of the United States, and of the several particular States, tend mutually to depreciate each other, not only by the too great quantity, but also by multiplied frauds in counterfeiting, and the increased difficulty in detecting the same, which evils, as far as is possible, to remedy at present and prevent in future:

Resolved, That it be earnestly recommended to the legislatures of the several States to make provision for drawing in and sinking the bills of credit which are not upon interest, by them respectively emitted, (small change less than a dollar only excepted,) by the 1st day of November next, either by taxes or by exchanging them for treasurer's notes, for sums not less than ten pounds, on interest at six per cent. per annum, or for continental bills of credit; and to prohibit the currency of their respective bills of credit from and after the said 1st day of November; and not to emit any more bills of credit hereafter, except for change, not exceeding half a dollar.

Resolved, That it be recommended to the several legislatures aforesaid for the future to provide for the contingencies of their respective States and the support of the war, as far as possible, by taxation; and in order to lighten the burden and accommodate the taxes to the convenience of the people, and the more effectually to establish the credit of the continental currency, that these taxes be levied and assessed, at the least, once in every quarter of the year; and to take effectual measures that the several assessments be duly collected and punctually paid into the respective treasuries.

Adjourned to Monday next, 9 o'clock in the morning.

Monday morning, met according to adjournment; the same members present as on Saturday.

The committee took into consideration the acts against monopoly and oppression; and, upon mature deliberation, are of opinion that they are attended with inconveniences, and that the good ends pro-

posed thereby may be better attained by the measures herein recommended; whereupon,

Resolved, That it is recommended to the several legislatures to repeal all clauses in the aforesaid acts for preventing monopoly and oppression, so far as they relate to affixing the prices at which the articles therein enumerated shall be sold, and enacting penalties for not observing the same. And whereas it may be apprehended that the repeal of the monopoly bill may operate to the prejudice of the non-commissioned officers and soldiers who are employed in the continental army, upon the expectation of being supplied with the necessaries of life at the prices affixed by said bill, therefore, more effectually to prevent such evil,

Resolved, That it be recommended to the several legislatures aforesaid that provision be immediately made for supplying the troops belonging to the continental army, and raised in their respective States, who are in the field, with such necessary articles as are not supplied by the commissary general, upon the same terms as the several States have stipulated, always taking care that the prices affixed in said bill be considered as the prime cost; and also that provision be made, at the expense of the respective States, that the families of the non-commissioned officers and soldiers of the continental army, residing with them, be supplied with provisions and clothing, at the prices set in said bill, to the amount of their wages; and that committees be appointed in all the towns and districts in said States, whose business it shall be to see that the families of said officers and soldiers are duly supplied with such necessaries of life as their circumstances may require, to the amount of such sum as shall be lodged by such officers and soldiers with said committee, not exceeding their pay respectively; and also to provide suitable laws to procure the necessary articles stipulated to supply the troops and their families, by impressing those articles when necessity shall require, and paying the owner a reasonable price, at the appraisement of indifferent judicious men.

And whereas the engrossing and withholding from sale of the conveniencies and necessaries of life, accumulating profits on the same by repeated sales in large quantities, from one engrosser to another, are highly prejudicial to the interest of any State, and, under the present circumstances of these States, are of the most fatal and dangerous tendency:

Resolved, That it be recommended to the legislatures aforesaid to prohibit and prevent such practices from time to time, under severe penalties, as the nature and circumstances of the case may require, and to make provision for enforcing the sale of the commodities so engrossed or withheld, in small quantities, and at reasonable prices, for the use of the inhabitants.

Then adjourned to Tuesday morning, 9 o'clock.

Tuesday, met according to adjournment: present the same members as on Monday, and conferred on sundry matters, and adjourned.

WEDNESDAY MORNING, 9 *o'clock.*

Wednesday, met according to adjournment: present the same members as on Tuesday.

Whereas it may be sometimes necessary to prohibit the transportation of certain articles by land from one State to another, *Resolved*, That it be recommended to the respective legislatures to form their laws made for that purpose so as not to prevent the free transportation of any articles that can be spared from their respective States to supply the inhabitants of any of the other States, nor to prevent the inhabitants of other States from carrying out their property they were possessed of in such State at the time of making such laws, or which they may have afterwards imported by sea, or brought in from another State by land; and also that no unnecessary interruption be given to a free commercial intercourse between the inhabitants of the several States.

Whereas the concurrence of all the United States in the measures aforesaid will render them much more effectual for attaining the good ends proposed, *Resolved*, That a copy thereof be transmitted to the honorable Congress of the United States, that such measures may be taken for that end as they, in their great wisdom, shall think meet; and that a letter, signed by the president, accompany the same.

And whereas the State of Rhode Island have represented the necessity that a body of troops be kept up to guard the shores around Rhode Island, under the direction of the general officers stationed there, and have manifested a desire that the committee should consider the same, and express their opinions of it to their respective constituents: therefore, *Resolved*, as the opinion of this committee, That the State of Rhode Island be requested to fill up their two battalions as soon as may be, for the above purpose; that the State of Massachusetts Bay be desired to hasten on the two battalions they have ordered for that purpose; that the State of Connecticut be desired to raise and equip one battalion of 728 men, with all speed, and direct them to the above service; and that the State of New Hampshire be desired to raise and equip 300 men, with all speed, and direct them to the above purpose.

A true journal of proceedings, signed by order of the above committee.

STEPHEN HOPKINS, *President.*

Attest: WM. PYNCHON, JR., *Clerk.*

STATE OF RHODE ISLAND, &c.,
Secretary's Office, December 16, 1825.

The foregoing is a true copy of part of the journal of the proceedings of the committee at Springfield, on file in my office, and certified in the original handwriting of Stephen Hopkins.

HENRY BOWEN, *Secretary.*

Resolution of Congress of April 10, 1780.

Resolved, That when Congress shall be furnished with proper documents to liquidate the depreciation of the continental bills of credit, they will, as soon thereafter as the state of the public finances will admit, make good to the line of the army, and the independent corps thereof, the deficiency of their original pay occasioned by such depreciation; and that the money and articles heretofore paid or furnished, or hereafter to be paid or furnished, by Congress or the States, or any of them, as for pay, subsistence, or to compensate for deficiencies, shall be deemed as advanced on account, until such liquidation as aforesaid shall be adjusted; it being the determination of Congress that all the troops serving in the continental army shall be placed on an equal footing: *Provided*, That no person shall have any benefit of this resolution, except such as were engaged during the war, or for three years, and are now in service, or shall hereafter engage during the war.

Resolution of Congress, August 12, 1780.

Resolved, That the said general officers be informed that Congress have at no time been unmindful of the military virtues which have distinguished the army of the United States through the course of this war, and that it has been constantly one of the principal objects of their care not only to provide for the health and comfort of the army, but to gratify their reasonable desires, so far as the public exigencies would admit; that patience, self-denial, fortitude, and perseverance, and the cheerful sacrifice of time and health, are necessary virtues which both the citizen and soldier are called to exercise while struggling for the liberties of their country; and that moderation, frugality, and temperance must be among the chief supports, as well as the highest ornaments of that kind of civil government which is wisely instituted by the several States in this Union; that it has been *recommended* to the several States *to make compensation for the officers and soldiers to them respectively belonging, for the depreciation of their pay;* and that Congress will take *speedy measures for liquidating and paying what is due on that account to the officers and soldiers who do not belong to the quota of any State.*"—(Journal of Con. Cong., vol. 3, pages 507, 508.)

Letter of Roger Huntington to B. Cowell, esq.

STATE OF CONNECTICUT, COMPTROLLER'S OFFICE,
Hartford, December 8, 1834.

On examination of the books of this office, it appears that, in consequence of a large body of troops of the British army, defended by a strong fleet, having taken possession of the island of Rhode Island, and threatening an invasion of some of the adjoining States of New England, a convention of delegates from said States was ordered to

meet, and did meet, at Providence, in said State of Rhode Island, on the 23d day of December, 1776, to consult for their immediate defence and safety; and said convention did stipulate and recommend that this State furnish, and send as its quota of the army proposed for the defence of Providence, &c., against the British forces now in possession of Newport, the number of ten hundred and ninety-two troops; and, in order to supply said quota, his honor the governor, by the advice of his council of safety, be empowered and directed to send forward Colonel Ely's battalion, and make up the remainder, or any deficiency that may happen of said numbers so agreed to be sent as aforesaid, in such manner, and out of such troops, as they shall think best, and in the speediest way to effect the same.

It appears that in January, 1777, four companies were ordered to be raised and marched to Rhode Island, under the command of Major John Ripley.

It appears that in March, 1777, six companies of militia were ordered to be detached and marched to Providence, under the command of Major John Ripley, and to serve until the 1st day of May, (unless sooner discharged,) to fill up our quota of the troops that were wanted to join Major General Spencer's division of the army at Rhode Island.

It appears that in September, 1777, one battalion was ordered to be raised, to serve in the State of Rhode Island or vicinity, to continue in service thirty-one days from the time they shall arrive at the place of general rendezvous; that Samuel McClellan was appointed colonel of said battalion.

It appears that in December, 1777, five hundred men, with proper officers, were ordered to be detached from the militia and marched to Providence, and join General Spencer, and serve two months from and after their arrival at the place of designation.

It appears that this State paid to Colonel McClellan, Colonel Ely, and the officers of the militia, for the troops under their command, £5,564 17*s.* 8*d.*, as bounty or extra allowance on account of depreciation of currency; which sum was charged to the United States, and an account of the same delivered to the commissioner of army accounts February, 1788.

Certified by ROGER HUNTINGTON,
Comptroller of Public Accounts.

That portion of the 6,000 men, raised for the defence of Rhode Island by order of the aforesaid convention, which was sent there by Massachusetts, was, together with all her other troops, paid for their depreciation by that State. This was done undoubtedly under the expectation that Congress would allow and cause it to be repaid, agreeably to the resolutions above stated. All this will appear by the following transcripts from the records of that State:

Letter of Edward Bangs to Tristam Burges.

BOSTON, *Secretary's Office, May* 27, 1834.

SIR: I wish it was in my power to give a full and satisfactory answer to your questions as to the payment of the claims of troops in the revolutionary war for depreciation of their wages, but it is not. None but old men, of course, have any personal recollection of the circumstances to which you refer; and, with regard to documentary evidence, there is little in my office to throw light upon the subject. The troops of which you speak, if they served three years, must, I presume, have been on the continental establishment, of which we have regular "army books," containing complete lists of the Massachusetts troops up to the close of 1780, (after which the accounts were settled by continental agents, and, of course, are not to be found here;) but there is nothing to distinguish that portion of men who served at or near Rhode Island from any other portion of the regular line. If the troops alluded to were militia, or State troops, there are no regular books or records of their service, but only a mass of loose rolls, thrown together without distinction of time, regiment, or period of service, and which I have arranged as well as I could according to the alphabetical order of the captains' names. As to the claims for depreciation of wages, I presume they were in the first place paid by the respective States to their own troops, and afterwards adjusted by the United States; and such, several old men tell me, was the fact. I supposed there would be some evidence as to the manner in which these claims were settled in the treasurer's office, but he is not able to find any, or give me any information, excepting that there are several volumes containing lists of notes given to Massachusetts troops for "depreciation of wages," and minutes of the discharge of these notes, showing that in many (and probably in all) instances the State first paid the claims for depreciation. I have, besides, in my office fifteen small books, corresponding to the number of Massachusetts regiments of the line, containing lists of the officers and men of those regiments, which appear to have been made out with reference to a settlement of the "depreciation claims" of which you speak. I subjoin a copy of the heading of No. 1 of these books, as a sample, and also a copy of an entry at the end of the same.

"No. 1.

"The United States, debtor to the Commonwealth of Massachusetts, for the amount paid Colonel Joseph Vose, his officers and men, to make good the depreciation of their wages for the first three years' service in the continental army, agreeably to returns from the said regiment; also, for advances to sundry deserters in said regiment, made them before their desertion:

Names.	Rank.	Amount of wages.			Paid by the continent.			Paid by the State.		
		£	s.	d.	£	s.	d.	£	s.	d.
Joseph Vose...	Colonel.....	810	0	0	201	16	6	608	3	6
Elijah Vose....	Lieutenant colonel..	648	0	0	161	15	6	486	4	6"

At the end of each of the lists is the following entry:

"BOSTON, *September* 21, 1787.

"Received of John Deming and Peter Boyer, esquires, committee for exhibiting claims in behalf of the Commonwealth of Massachusetts, a copy of the foregoing.

"ROYAL FLINT, *Commissioner.*"

This is enough, I think, to show that, for the first three years' service, the State of Massachusetts first paid to her own troops the claims for depreciation of wages, and that they were afterwards passed to the account of the United States; and I have no manner of doubt that the same thing was done with regard to *all* the troops for *all* periods of the war. In 1779, (February 6,) also, I find that the general court passed a resolve of considerable length, "for supplying soldiers' families, and making good their wages, and the wages of both officers and men," of which the following is a clause:

"That this government will, at the close of the present war, receive an account of the time which the officers and private soldiers belonging to this State shall have served in the said battalions, and will then make good to them, and the heirs of such of them as shall then be dead, the wages of the establishment of Congress whereon they engaged, according to a late act of this government, entitled 'An act against monopoly and oppression,' taking for a measure of their wages the prices set to the articles enumerated in the same act, taking into consideration, by the same measure, all bounties except the continental bounty of *six pounds*, and the State bounty of *twenty pounds*, supplies, gratuities, and sums already advanced, or which shall hereafter be given, supplied, or advanced: *Provided, nevertheless*, That if the honorable Continental Congress shall make the wages of said officers and soldiers good to them as aforesaid, this government shall not be held by this resolution."

I think it quite probable that, if I had time enough to spare to make a thorough search in the various offices, and among the papers and records of the legislature, I could come at a history of the

whole business, but I have not the leisure; indeed, if I were to undertake, personally, to make all the examinations requested respecting revolutionary services, it would absolutely consume the whole of my time, without attending to anything else. I will always do everything in my power, however, to satisfy inquiries.

Very respectfully, your humble servant,

EDWARD D. BANGS, *Secretary.*

Hon. TRISTAM BURGESS, *Member of Congress.*

Copy of a letter to Benjamin Cowell, esq.

COMMONWEALTH OF MASSACHUTETTS,
Secretary's Office, January 9, 1835.

I hereby certify that from an examination of the books and documents relating to military services in the war of the revolution, which remain in this department, it appears that an allowance was paid to the officers and soldiers of the Massachusetts State troops to make good the depreciation of their wages. The following is the heading of the rolls of sixteen regiments, viz: "The United States debtor to the Commonwealth of Massachusetts for the amount paid colonel, [here the name of the colonel is inserted,] his officers and men, to make good the depreciation of their wages for the first three years' service in the continental army, agreeably to returns of said regiment; also advances to sundry deserters in said regiment, made them before their desertion."

The same heading is on the roll of Colonels John Crane, Sherburne, William R. Lee, David Henley, John Allen, Hazen, Jeduthun Baldwin, Lamb, Sheldon, Warner, and Major Caleb Gibbs. The follywing is also found in this office, viz: "The United States debtor to Commonwealth of Massachusetts for the amount paid sundry general officers, and the officers of the hospital and other departments, to make good the depreciation of their wages, agreeably to their returns."

At the end of each roll is the following, viz:

"BOSTON, *September* 21, 1787.

"Received from John Deming and Peter Boyer, esquires, committee for exhibiting claims in behalf of the Commonwealth of Massachusetts, a copy of the foregoing.

"ROYAL FLINT, *Commissioner.*"
EDWARD D. BANGS, *Secretary.*

An ordinance for settling the accounts between the United States and individual States.

Be it ordained by the United States in Congress assembled, That five commissioners be appointed by the board of treasury, whose duty it shall be to go to the several States in the districts hereafter mentioned, for which they may be respectfully appointed, for the purpose of stating the accounts of the States, within those districts, against the United States.

That the States of New Hampshire, Massachusetts, Connecticut, and Rhode Island, form one district. That the States of Pennsyl-

vania, Delaware, and Maryland, form one district. That the States of Virginia and North Carolina form one district. And that the States of South Carolina and Georgia form one district.

That it shall be the duty of the said commissioners, respectively, to receive of the States for which they are appointed, all their accounts and vouchers for payments made on account of bounties, pay and depreciation of pay, to the late army of the United States, and for advances to the militia called out under the authority of the United States, and actually in their service, and to give descriptive acknowledgments thereof to the States from which they may be received, which accounts and vouchers shall be immediately forwarded to the commissioners of army accounts, whose duty it shall be to examine and pass such as are authorized by the resolves of Congress and supported by proper vouchers, and to state such as may not fall under the above description, together with such remarks as may tend to elucidate the nature of these claims.

That it shall further be the duty of the said commissioners to receive in like manner the accounts and vouchers for moneys paid and supplies furnished, on the requisitions of Congress made previously to October, 1781, and to forward the same to the office of the Comptroller of the Treasury.

That it shall also be the duty of the said commissioners to receive and examine all the claims of the States to which they are appointed against the United States, for advancements or disbursements by them made for the use of the late commissary, quartermaster, clothing, marine, and hospital departments, or under any other description whatsoever: to pass upon all such as are authorized by the resolves of Congress and supported by proper vouchers, so far as it respects the evidence offered in support of the said claims, and to state such as are not thus warranted or supported, together with such remarks as may explain the nature of these accounts, and the reasons offered for the deficiency of vouchers.

And be it further ordained by the authority aforesaid, That on all the accounts aforesaid interest shall be allowed at the rate of six per cent. per annum, agreeably to the resolves of Congress.

And whereas it is essential to the welfare of the confederacy that the accounts of the several States should be speedily adjusted, and this adjustment should be effected on uniform principles, and that provision should be made for allowing such advances or disbursements as may have been made by the respective States for the use of the Union, although the same be not sanctioned by the resolves of Congress or supported by regular vouchers:

Be it therefore ordained, That the several States be, and they are hereby, limited to the space of six months for exhibiting to the proper commissioner their claims against the United States, of whatever nature the same may be; and that such States as may neglect to exhibit the same within the period of time, after the commissioner has notified to the supreme executive thereof that he is ready to proceed on the business of his commission, shall be precluded from any future allowance, but shall nevertheless stand chargeable with all advances of money or other articles which may have been made to

them respectively by the United States, and with whatever balances may be yet due on their several quotas of the general requisitions.

And be it further ordained, That the said commissioners of districts shall, within twelve months after they enter on the duties of their several appointments, repair to the place where the United States in Congress may hold their sessions, with such accounts and vouchers as they may have in possession, and deliver the same to the Comptroller of the Treasury, on which their commissions shall terminate.

Be it further ordained, That a board, consisting of three commissioners, be appointed by the United States in Congress assembled, whose duty it shall be to receive from the Comptroller of the Treasury and from the commissioner of army accounts all the accounts and claims of the several States deposited in their respective offices, and to examine such of the said accounts as shall have been passed by the commissioners of the several districts, in order that the same may be finally adjusted on uniform and equitable principles, having reference to the settlement of accounts heretofore made by the commissioners of the different States : *Provided*, That such revision of the accounts above mentioned shall not in any wise affect the validity of the vouchers admitted by the commissioners of the respective districts.

And be it further ordained, That wherever it shall *appear* to the said board of commissioners that advances or disbursements, payments or supplies, of the description aforesaid, have been made by any of the States *subsequent to the 18th of April, 1775, for articles or services for the use of the United States*, that the said commissioners be, and they are hereby, *vested with full power and authority to make such allowances for the same as they shall think consistent with the principles of general equity*, although such advances or disbursements may *not be sanctioned by the resolves of Congress or supported by regular vouchers*, so as to enable the said commissioners to make a final adjustment of all the accounts subsisting between the United States and the several members thereof, agreeably to such quota as Congress shall hereafter determine.

And be it further ordained, That the determination of a majority of the aforesaid board of commissioners on the claims submitted to them shall be final and conclusive, and that their commission shall continue in force for one year and a half from the time of their entering on the duties of their office, unless sooner revoked by Congress.

And be it further ordained, That the pay of the commissioners of districts shall be at the rate of $1,250 per annum, and that of the clerks at the rate not exceeding $450 per annum each.

And be it further ordained, That every person employed, or to be employed, in pursuance of this ordinance, shall, previous to entering on the duties of his office, take and subscribe an oath faithfully and impartially to perform the duties of the office to which he is appointed, certificates of which shall be deposited with the Secretary of Congress.

And be it further ordained, That the ordinance of the 13th of October, 1786, entitled, "An ordinance for establishing a board to liquidate and settle all accounts between the United States and individual States," be, and it is hereby, repealed.

Under this ordinance the claims of the Rhode Island brigade for depreciation were presented to the commissioner of the United States for that State. The several amounts due to each individual had, as before stated, been ascertained. The whole sum due to each regiment was summed up and certified in the form of the following certificates:

Doings of the General Assembly of Rhode Island.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
In General Assembly, October session, A. D. 1785.

Whereas the committee who were appointed to adjust the accounts of the regiment late under the command of Colonel Archibald Crary, for the depreciation of their wages and allowances, presented to this assembly a state of the accounts, and reported that there is due to the said regiment the sum of £20,931 8*s.* 10*d.*, lawful money; and the same being duly considered—

It is voted and resolved, That the said report be accepted, and that it be, and hereby is, recommended to Mr. Edward Chinn, the commissioner in this State for settling the accounts against the United States, to allow the same, and to give the necessary certificates to the individuals of the said regiment for the sums due to them respectively.

True copy of record. Witness:

HENRY BOWEN, *Secretary.*

Whereas the committee who were appointed to adjust the accounts of the regiment late under the command of Colonel John Topham, for the depreciation of their wages and allowances, presented to this assembly a state of the accounts, and reported that there is due to the said regiment the sum of £22,802 19*s.* 9*d.*, lawful money; and the same being duly considered—

It is voted and resolved, That the said report be accepted, and that it be, and hereby is, recommended to Mr. Edward Chinn, the commissioner in this State for settling the accounts against the United States, to allow the same, and to issue the necessary certificates to the individuals of the said regiment for the sums due to them respectively.

True copy of record. Witness:

HENRY BOWEN, *Secretary.*

Whereas the committee who were appointed to adjust the accounts of the regiment lately commanded by Colonel Robert Elliott, for the depreciation of their wages and allowances, presented to this assembly a state of the accounts, and reported that there is due to the said regiment the sum of £20,821 19*s.* 5*d*, lawful money; and the same being duly considered—

It is voted and resolved, That the said report be accepted, and that it be, and hereby is, recommended to Mr. Edward Chinn, the commissioner in this State for settling the accounts against the United States, to allow the same, and to issue the necessary certificates to

the individuals of the said regiment for the sums due to them respectively.

True copy of record. Witness:

HENRY BOWEN, *Secretary.*

Extract of an act to provide more effectually for the settlement of the accounts between the United States and individual States.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States in Congress assembled*, That a board, to consist of three commissioners, be, and hereby is, established, to settle the accounts between the United States and the individual States; and the determination of a majority of the said commissioners, on the claims submitted to them, shall be final and conclusive, and they shall have power to employ such number of clerks as they may find necessary.

* * * * * * * * *

SEC. 3. *And be it further enacted*, That it shall be the duty of the said commissioners to *receive* and *examine* all the claims that shall be exhibited to them *before the first day of July, one thousand seven hundred and ninety-one*, and to determine on all such as shall have *accrued* for the *general or particular defence*, during the war, and on the evidence thereof, according to the principles of general equity, (*although such claims may not be sanctioned by the resolves of Congress*, or supported by regular vouchers,) so as to provide for the final settlement of all accounts between the United States and the States individually; but no evidence of a claim heretofore admitted by a commissioner of the United States for any State or district shall be subject to such examination, *nor shall the claim of any citizen be admitted* as a charge against the United States in the account of any State, unless the same was *allowed by such State before the twenty-fourth day of September, one thousand seven hundred and eighty-eight.*

SEC. 4. *And be it further enacted*, That it shall be the duty of the said commissioners to examine and liquidate, to specie value, on principles of equity, the credits and debits of the States already on the books of the treasury, for bills of credit subsequent to the eighteenth of March, one thousand seven hundred and eighty.

SEC. 5. *And be it further enacted*, That the commissioners shall debit each State with all advances which have been or may be made to it by the United States, and with the interest thereon to the last day of the year one thousand seven hundred and eighty-nine, and shall credit each State for its disbursements and advances, on the principles contained in the third section of this act, with interest to the day aforesaid; and having struck the balance due to each State, shall find the aggregate of all the balances, which aggregate shall be apportioned between the States, agreeably to the rule hereinafter given; and the difference between such apportionments and the respective balances shall be carried in a new account to the debit or credit of the States respectively, as the case may be.

This law was limited to the first day of July, 1792; but, by another law, approved January 23, 1792, the powers of the commissioners were continued to them until the 1st day of July, 1793.

The claim of the Rhode Island brigade was laid before these commissioners in the same form as it had been submitted to the commissioners, under the ordinances of May 7, 1787. Although it was believed that no act of Rhode Island could render that State any more liable to pay this claim, yet the agents of this brigade did bring the same before the general assembly, and the doings thereof will appear by the following transcript from legislative records of that State:

IN GENERAL ASSEMBLY, *October session*, 1792.

Whereas this assembly, at their session in February, 1784, appointed a committee to ascertain and settle the balances that were due the officers and soldiers of the regiments raised by this State during the late war with Great Britain, for the general defence, commanded by Colonels Elliott, Crary, and Topham, for the arrearages of pay whilst in the service of the United States; and whereas the said committee did, at our October session, 1785, report there was due to the officers and soldiers of Elliott's regiment the sum of £20,821 19*s.* 5*d.*; to those of Crary's regiment the sum of £20,931 8*s.* 10*d.*; and to those of Topham's regiment, the sum of £22,802 19*s.* 7*d.*, agreeably to the separate account of each officer and soldier, which accompanied said report; and whereas said report was then accepted and allowed, and no provision hath as yet been made for the payment of said balances: It is therefore—

Resolved, That the general treasurer be directed to issue his note or notes, payable to the several individuals, their agent, or legal representatives, for the amounts due them, respectively, with the interest included that is due thereon, from the 1st day of May, 1780, to the 31st day of December, 1789; and that the said notes be issued, bearing date the 31st day of December, 1789, and be of the following tenor, to wit:

STATE OF RHODE ISLAND, &c.

For value received, in a balance due A B, for payment in arrear for services in the State brigade, I, ——— ———, general treasurer of said State, promise to pay A B, or bearer, the sum of ———, with interest from this 31st day of December, 1789, provided that the same shall be assumed by the United States, or payment thereof provided for by them in the settlement of the claims of this State against the United States.

———— ———, *General Treasuaer.*

It is further resolved, That said notes be delivered to Archibald Crary, agent for said officers and soldiers, he receipting for the same.

It is further resolved, That this act shall not take effect, so far as respects the payment of said notes, unless the amount thereof shall be allowed by the United States, and passed to the credit of this State, and shall be assumed, or provision shall be made by the United States for the discharge of said balances; *And provided, also*, That said officers and soldiers, their said agent or agents, shall, before the issuing of said notes, agree to deposit the same with the said treasurer, and that they remain with him, or his successor in said office,

until the said balances shall be allowed by the United States, or shall be assumed, or provision shall be otherwise made for the payment thereof by the United States, to the satisfaction of this assembly; or, otherwise, that the said notes be void.

Provided, also, That the said officers and soldiers, their said agent or agents, shall agree to receive, in lieu of said notes, or in discharge thereof, such moneys, or transferable certificates of the same, being due, as shall be granted by the United States on payment of said balances.

Provided, further, That the said treasurer, before he shall issue said notes, demand of the said officers and soldiers, their said agent or agents, his or their assent or agreement, in writing, that the said notes remain in said office on the conditions aforesaid; that if the balances shall be received by this State in moneys or transferable certificates of the United States, the general treasurer is hereby directed to pay or deliver the same to the said officers and soldiers, or their agent or agents, taking receipts for the same in full discharge of said notes.

IN LOWER HOUSE OF ASSEMBLY, *October* 31, 1792.

Resolved, That the above and before recited act pass into a law of this State.

Voted, &c. Per order: RAY GREENE, *Clerk.*

IN THE UPPER HOUSE, *November* 3, 1792.

Read and referred to the next session for consideration.

By order: HENRY WARD, *Secretary.*

IN THE UPPER HOUSE OF ASSEMBLY, *October session*, 1793.

Read in the upper house, and non-concurred in.

Per order: SAM. SAMPSON, *Deputy Secretary.*

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
Secretary's Office, May 21, *A. D.* 1834.

The foregoing is a true copy of the original resolutions, with the entries thereon, now on file in this office.

Witness: HENRY BOWEN, *Secretary.*

Mr. D. J. PEARCE, from the select committee to which the subject had been referred, reported the following bill:

A BILL (No. 352) for the relief of the officers and soldiers who served in the Rhole Island brigade, in the revolutionary war, their heirs and assigns.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is, authorized and directed to settle the claims made for depreciation by the officers and soldiers of the Rhode Island brigade, their heirs and assigns, as the same were made to and ascertained by a committee appointed by the legislature of Rhode Island, at the February session thereof, anno Domini seventeen hundred and eighty-four, the report whereof was received by that legislature at their

October session, anno Domini seventeen hundred and eighty-five, in accordance with the principles and promises made to the army of the revolution by the resolve of the Continental Congress of April tenth, seventeen hundred and eighty, and by their further resolve of August twelve, seventeen hundred and eighty, and subsequently embodied in an ordinance of the same Continental Congress, of the seventh of May, seventeen hundred and eighty-seven, and in an act of Congress approved the fifth of August, seventeen hundred and ninety; as also upon the same principles that the troops raised by the States of Massachusetts and Connecticut were paid their depreciation, which were sent to the State of Rhode Island, on the invasion of said State, in December, seventeen hundred and seventy-six, in pursuance of the recommendation of the same convention which recommended the raising of said brigade.

SEC. 2. *And be it further enacted*, That the said Secretary of the Treasury shall receive, as the basis and evidence of said claims, the report of the committee appointed as aforesaid by the legislature of Rhode Island, which is in form and substance as follows, viz:

"State of Rhode Island and Providence Plantations. In general assembly, October session, anno Domini seventeen hundred and eighty-five:

"Whereas the committee who were appointed to adjust the accounts of the regiment late under the command of Colonel Archibald Crary for the depreciation of their wages and allowances, presented to this assembly a state of the accounts, and reported that there is due to the said regiment the sum of twenty thousand nine hundred and thirty-one pounds eight shillings and ten pence, lawful money; and the same being duly considered—

"*It is voted and resolved*, That the said report be accepted, and that it be, and hereby is, recommended to Mr. Edward Chinn, the commissioner in this State for settling the accounts against the United States, to allow the same, and to give the necessary certificates to individuals of the said regiment for sums due to them respectively.

"True copy of record.

"Witness: HENRY BOWEN, *Secretary*.

"Whereas the committee who were appointed to adjust the accounts of the regiment lately commanded by Colonel Robert Elliott for the depreciation of their wages and allowances, presented to this assembly a state of the accounts, and reported that there is due to the said regiment the sum of twenty thousand eight hundred and twenty-one pounds nineteen shillings and five pence, lawful money; and the same being duly considered—

"*It is voted and resolved*, That the said report be accepted, and that it be, and hereby is, recommended to Mr. Edward Chinn, the commissioner in this State for settling the accounts against the United States, to allow the same, and to issue the necessary certificates to the individuals of the said regiment for the sums due to them respectively.

"True copy of record.

"Witness: HENRY BOWEN, *Secretary*.

"Whereas the committee who were appointed to adjust the accounts of the regiment late under the command of Colonel John Topham for the depreciation of their wages and allowances, presented to this assembly a state of the accounts, and reported that there is due to the said regiment the sum of twenty-two thousand eight hundred and two pounds nineteen shillings and seven pence, lawful money, and the same being duly considered—

"*It is voted and resolved*, That the said report be accepted, and that it be, and hereby is, recommended to Mr. Edward Chinn, the commissioner in this State for settling the accounts against the United States, to allow the same, and to issue the necessary certificates to individuals of the said regiment for the sums due to them, respectively.

"True copy of record.

"Witness: HENRY BOWEN, *Secretary*."

SEC. 3. *And be it further enacted*, That the said Secretary of the Treasury shall receive and admit the acceptance of the reports aforesaid in the case of each regiment and the officers and men thereof, made by the legislature of said State, in manner and form as above stated, as such an allowance and assumption thereof by said State, as was required by the ordinance and law aforesaid, to have enabled said State to have made a charge thereof to the United States; and the amount found due for depreciation in each individual case by the report aforesaid, summed up as they are therein, without interest, shall be the sum to be admitted and paid said officers and men, or their heirs and assigns, out of any money in the treasury not otherwise appropriated.

SEC. 4. *And be it further enacted*, That this act shall be in force five years, and no longer.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of Archibald C. Crary, a resident of the city of Utica in the State of New York, respectfully represents: That soon after the invasion of Rhode Island in 1776, the legislatures of the New England States severally appointed committees of their bodies to meet at Providence on the 25th of December of the same year, to form a joint committee and to adopt measures for their defence against the English army then encamped at Newport, and conferred on this joint committee all the powers which their several legislatures possessed in reference to the troops raised in those States; that this joint committee ordered a division of six thousand men to be formed on the island of Rhode Island, and apportioned to each of the New England States its quota (to raise) of this division; that the "quota" of the State of Rhode Island was one thousand men enlisted for three years or during the war, and a brigade of one thousand eight hundred men enlisted for fifteen months. The rank and file of this brigade were

subsequently re-enlisted, and continued in service three years and three months, and were known as the Rhode Island brigade. The officers of this brigade, as were those of the two regiments enlisted for three years or during the war, were appointed and commissioned without any definite term of service being agreed on.

Your petitioner further respectfully represents that the father of your memorialist, Archibald Crary, deceased, late of Newport, in the State of Rhode Island, was the colonel of a regiment of the Rhode Island brigade from the 16th of December, 1777, till the 16th of March, 1780, a period of three years and three months, and was honorably discharged from said service at the time said brigade was disbanded; that at the time of his discharge there remained due him from the United States, of his monthly pay, the sum of twelve hundred and fifty-six dollars and forty-four cents, (£376 18*s.* 8*d.*;) that this balance remained due him after crediting the United States the amounts which they had from time to time paid him, at the current exchange value of the continental money, (so called,) in which said payments had been made, and debiting them the monthly pay, rations, and forage due him for said services.

Shortly after the expiration of said services his accounts for said depreciation were duly presented to the commissioner appointed by the United States to pay the depreciation of their pay to those who had served in the line of the United States army; and said accounts were rejected by the commissioner aforesaid, on the ground that he was only authorized to pay the depreciation of their pay to those who had served in the continental line—the "regiments enlisted for three years or during the war"—and that the Rhode Island brigade was not of the continental line. Your memorialist respectfully represents that this decision was a direct and palpable violation of the contract made and then existing between the United States, on the one part, and the legislature of the State of Rhode Island, for that State, and as agents of this brigade, on the other part, and which is evidenced by the writing filed in the office of the secretary of state of the State of Rhode Island, of which the following is a true copy:

"PROVIDENCE, *February* 9, 1777.

"SIR: I have been favored with your excellency's letters of the 24th ultimo, and have laid them before the general assembly.

"The enemy having landed not less than 7,000 troops upon Rhode Island, and being possessed of the bay, with a large fleet, laid us under the necessity of establishing a body of forces with all possible expedition. In this situation, when it was impracticable to fill the continental battalions, the assembly set on foot two regiments of 750 men each, and one regiment of artillery, of 300 men, to serve fifteen months. The following is the form of the enlistment of the non-commissioned officers and privates: 'I, the subscriber, do hereby solemnly engage and enlist myself as a soldier, in the pay of the State of Rhode Island and Providence Plantations, for the preservation of the liberties of America and the defence of the United States in general, and of this State in particular, from the day of my enlisment, for and during

the term of fifteen months, unless sooner discharged by the general assembly; and I hereby promise to submit myself to all the orders and regulations of the army, and faithfully to observe and obey all such orders as I shall receive from time to time from my officers.'

"And the following is a clause in the commission issued to the officers: 'And in case of an invasion or assault of a common enemy to infest or disturb this or any other of the said States, you are to alarm and to gather together the —— under your command, or any part thereof, as you shall deem sufficient, and therewith to the utmost of your skill and ability you are to resist, expel, kill, and destroy them, in order to preserve the lives, liberties, and properties of the good people of this and the other United States.'

"Consequently those regiments are as much held and designed to do duty in every part of the United States as the continental battalions, and to render them effectually so, they are, by act of government, put under the command of General Spencer and the other generals of the continental army. And when Congress shall have ordered them into their service, there will be no other difference between them than that the former are enlisted for fifteen months and the latter for three years or during the war.

"Early information of the footing upon which these troops are raised was given to our delegate in Congress, who tells us in a letter of the 7th instant that he had laid the same before Congress, and that the measures we had taken gave him great satisfaction; and I am extremely sorry it had not been also immediately transmitted to your excellency, as I am persuaded, in that case, you would have entertained a very different opinion of this measure, and been convinced that it was adopted from necessity alone, and not with the most distant idea of our making a local or separate defence, or of obstructing the enlistments into the continental battalions.

"It is true that it hath had a tendency in some degree to cause such obstruction, which was very clearly obviated by an order permitting enlistments from those troops into the continental battalions. In consequence of which, Captain Thayer has in a short time enlisted forty men out of one of those regiments. I will now inform your excellency of the measures taken by this State to fill up the two continental battalions assigned by Congress as our quota of the eighty-eight battalions first ordered to be raised.

"We have filled up the greater part of the vacancies in them, and enclose you a list of the officers appointed, who are directed to exert themselves in recruiting.

"We have also given a bounty of sixteen pounds in addition to the encouragement given by Congress, and engage to furnish each man, on behalf of the continent, with arms, accoutrements, a blanket, and a knapsack.

"The assembly will make a short adjournment to try the effect of this great encouragement, and, in case these measures fail of the hoped-for success, will make still greater efforts to fill those battalions.

"I am to request you to give me information whether there be a probability of Colonel Green's being soon exchanged, as the assembly

have left a vacancy for him in that case, and have determined to appoint Colonel Crary to the command of that regiment if that event be not likely soon to take place.

"'FEBRUARY 7, 1777.

"'*To the House of Representatives:*

"'GENTLEMEN: *Resolved*, That the aforegoing draft of a letter to his excellency General Washington be approved of, and that a fair copy thereof be made out and forwarded, as soon as may be, to his excellency General Washington. Voted and passed per order.

"'J. LYNDON, *Clerk.*

"'In the upper house, Feb. 10. Read and concurred. By order.

"'HENRY WARD, *Secretary.*'

"Agreeably to your excellency's recommendation I have sent to Newport all the prisoners in the land service that were in the care of this State, and enclose you one of Lord Percy's receipts for them.

"I am, with great esteem and respect, sir, your excellency's most obedient servant,

"NICHOLAS COOKE,
"*Governor.*"

This instrument, in form of a letter, and containing matter foreign to its main object, was in effect a manifesto. In it the governor and legislature of Rhode Island notify General Washington and the continental congress on what terms they will part with this brigade, and also on what terms the said brigade will enter the service of the United States, to wit: "When Congress shall have taken them into their service, there will be no other difference between them (the three regiments enlisted for fifteen months and the two regiments enlisted for three years or during the war) than that the former are enlisted for fifteen months, and the latter for three years or during the war.

A letter from Governor Cooke, simply to inform General Washington what had taken place, would have required no legislative sanction—would need no certificate of the clerk of the general assembly—would not have been certified by the secretary of State of the State of Rhode Island. General Washington would have believed Governor Cooke without his letter being made a legislative and executive act, and receiving all the sanction that could be given an instrument emanating from that State government. But there was a necessity for this legislative enactment. A brigade of 1,800 citizens of that State was about to leave the State service and to enter that of the United States, and the rights of those 1,800 citizens of Rhode Island had to be protected by something more authoritative than a letter from Governor Cooke to General Washington. These men were not the subjects of the prince of Hesse Cassel; they were not new recruits ignorant of their rights as soldiers; they were very many of them veterans, and well knew the importance of avoiding disputes in

reference to their rank, and of having their rights known. They had served in the name of their King in 1775. In 1776 and 1777 they served in the ninth regiment of United States infantry at New York, Trenton, Germantown, Valley Forge, and (many of them) at Monmouth. The said Colonel Archibald Crary was at Valley Forge, the lieutenant colonel of the 8th United States infantry, when he was appointed colonel of the 2d regiment of this brigade, and returned to Rhode Island with the said 9th regiment, and took command of the 2d regiment of the Rhode Island brigade when the said 9th regiment was disbanded. The officers and soldiers of this brigade were not so new in their profession as to serve without knowing who was to pay them, and whose orders they were to obey. They knew that on parade, in courts-martial, when taken prisoners and seeking an exchange, their grade and rank, whether militia or regulars, would be important. The State of Rhode Island had its interest at stake, and had a right to know when those officers and soldiers were no longer under the pay of that State. This rendered the said writing a very important instrument. It in truth formed the basis of the contract of transfer of a brigade of freemen from the service of that State to that of the United States; and on the Continental Congress receiving this manifesto and assenting to the terms prescribed in it, and on their ordering those troops into their service, it formed a compact by which the United States were bound. The effect was that this brigade became a part of the continental army. In proof of the accuracy of these views and of the effect of this contract, your memorialist respectfully refers to the diploma or certificate signed by General Washington and by General Knox (the adjutant general of the United States army in the war of the revolution) herewith submitted. This instrument certifies in so many words that "the said Archibald Crary was a colonel in the army of the United States," and if the knowledge of its subject matter, and the veracity of these illustrious generals are to be relied on, this evidence is conclusive.

To obviate the objection above stated to paying these and similar claims, Congress on the 10th of April, 1780, passed an act that all troops serving in the continental army should be placed on the same footing; and on the 12th of August of the same year Congress "Resolved, That they would take speedy measures for liquidating and paying what is due on that account (depreciation) to the officers and soldiers who do not belong to the quota of any State;" and December 31, 1781, Congress "Resolved, That all officers of the line of the army below the rank of brigadier general, who do not belong to the line of any particular State, or separate corps of the army, and are entitled by acts of Congress to pay and subsistence, shall have the same, with the depreciation of their pay made good to January 1, 1782." On the passage of these acts of Congress the said Colonel Archibald Crary presented his pay accounts to the legislature of the State of Rhode Island, and these accounts were referred to a committee of that body who, in the February session of 1785, reported the said accounts made up according to the rules and regulations prescribed by Congress. In their report this committee stated that there was then due the said

Colonel Archibald Crary, for the services aforesaid, the sum of twelve hundred and fifty-six dollars and forty-four cents (£376 18*s.* 8*d.*) from the United States; and the said committee also presented their report and said account to Edward Chinn, esq., who had been appointed United States commissioner for the liquidation and payment of the claims due from the United States to citizens of the State of Rhode Island, and this commissioner rejected said accounts upon the ground that the State of Rhode Island had neither paid nor assumed to pay them.

In pursuance of the act of 12th of August, 1780, the acts of Congress of 7th May, 1787, and 5th of August 1790, were passed. "By these acts (of 7th of May, 1787, and 5th of August, 1790) not only charges by the State for depreciation, but all equitable charges against the United States which grew out of the revolutionary contest, whether expressly authorized by any vote of Congress or not, were to be settled; but these acts required all claims to be first assumed and paid by the States, and then charged in their State accounts with the United States." To avail themselves of the benefits of the provisions of the act of Congress (of May 7th, 1787, and the 5th of August, 1790) those citizens of Rhode Island who had served in the said brigade obtained an act of the legislature of that State in conformity with the acts of Congress (of May 7th, 1787, and August 5th, 1790) assuming the debts of the United States to the Rhode Island brigade, but this act was vetoed by the governor of Rhode Island, and the Rhode Island brigade was thus prevented from availing themselves of the provisions of the said acts of Congress, (of the 7th of May, 1787, and 5th of August, 1790,) and these acts expired in 1793.

Your memorialist further states that no part of the amount reported by the said committee of the legislature of Rhode Island, in 1785, to be then due the said Colonel Archibald Crary, has ever been paid by the United States or either of the States, but that the said sum of twelve hundred and fifty-six dollars and forty-four cents remains now due to his heirs-at-law, together with interest thereon at the rate of six per cent. per annum from the month of February, 1785, (the date of the report of the said committee of the legislature of Rhode Island.) Your memorialist claims said interest under the resolve of Congress of the 3d of June, 1784, which is in the words following, to wit: "Resolved, That an interest of six per cent. per annum be allowed to all creditors of the United States for supplies furnished or services done from the time the payment becomes due."

Your memorialist respectfully submits that the acts of May 7, 1787, and August 5, 1790, are not a compliance with, or performance of, the promise contained in the act of the 12th of August, 1780, which is as follows: That Congress will take speedy measures for the liquidating and paying what is due on that account (depreciation) to the officers and soldiers who do not belong to the quota of any State. "The Rhode Island brigade was within this resolve," and this promise was made to them, and to the said Colonel Archibald Crary, as one of said brigade. This promise, so far as the Rhode Island brigade were the obligees, has never been performed; not a dollar has been paid

to those men of the amount reported in February, 1785, by said committee to be due them. No one disputes the rendition of the three years and three months services for which said pay is charged; no one pretends that the officers and soldiers who rendered those services have been paid; no one pretends the United States have had any release or discharge from said indebtedness, and no one believes if the promises of the United States government had been no greater than have been their performance, these citizens of Rhode Island would have entered the service of the United States. The promise to them made when the enemy was at hand was, "We will pay you in specie or its equivalent." The performance, paying these officers and soldiers in continental pieces of pasteboard, of which bushels equally good were manufactured by the English in their camps. After the first promise had been broken, and the soldiers began to desert, Congress from time to time made the promises to pay the amounts of depreciation. The performance of these promises was the passing an act, in substance, that if the State of Rhode Island would advance this money the United States would refund the same. Rhode Island replied, "No, pay your own debts;" and the United States have since rested upon their laurels. Your memorialist would suggest that they are such laurels as would cost the Dey of Algiers or the Emperor of Morocco his head if similar fraud should be practiced by either of these on his army.

Your memorialist respectfully represents that it cannot in truth be said the continental paper in which these men were paid was transferred to other hands at a discount, and the full amount paid to the new holder by the United States. On the contrary, the amount credited to the United States for these continental promises *was a total gain* to the United States. And your memorialist now has in his possession a greater amount in those promises, which were passed by the United States in the war of the revolution for military services, than the balance herein claimed to be due from the United States to the heirs of the said Colonel Archibald Crary. It is such money as might pass by descent, not otherwise.

Your memorialist further respectfully represents that, as stated by a committee of your honorable body, the troops of Massachusetts, Connecticut, and New Hampshire, sent to Rhode Island on the invasion of the latter State in December, 1776, (pursuant to the recommendations of the New England convention of December 25, of the same year,) have been paid their depreciation. The Rhode Island brigade was raised pursuant to the recommendations of the same convention, and was the agreed "quota" for said State to raise, and ought, in a like manner, to be paid. That this brigade was within the equity of the resolve of Congress of April 10, 1780. They were continental troops raised for the common defence of the country. They were raised not only with the full approbation, but at the earnest solicitation of Congress were taken into continental pay, placed under continental officers, and were actually in service three years and three months.

It would be difficult to render a legitimate reason, based on law or

equity, why the two regiments of Rhode Island troops, who served three years in the war of the revolution, should have been paid the depreciation of their pay, and the three regiments who served three years and three months in the same war, and during most of their service at the same camps, and embracing in their terms of services the same period, should not have been paid the depreciation of their pay; and why the Connecticut and Massachusetts brigades and the New Hampshire regiment, which formed parts of the same division with the Rhode Island brigade, and were raised in pursuance of the recommendations of the same convention, should have been paid their depreciation of pay, and the Rhode Island brigade of said division should have been (and that their heirs should be) deprived of their just dues for the services aforesaid. If it should be asked by what means the officers and soldiers of the Rhode Island brigade were deprived of their depreciation of pay, the answer drawn from historic facts is easily stated. The Continental Congress, for reasons known to themselves, inserted in the acts which embraced the claims for depreciation of pay due said division a clause which required that the States should severally first assume and pay these debts of the United States before the United States commissioner appointed to discharge the same could pay the amount of the said depreciation of pay. The States of Massachusetts, Connecticut, and New Hampshire assumed and paid the amounts due their troops who served in said division the depreciation of their pay, and the United States refunded the same to those States; but the governor of Rhode Island (as above stated) vetoed the act passed by the legislature of that State for the assumption of pay due the Rhode Island brigade, and this ill-advised veto has since been the obstacle to paying these just dues of the Rhode Island brigade by the United States.

The substance of said veto is clearly and briefly stated in a report of a committee of the honorable the House of Representatives, recommending the payment of the depreciation of pay to the Rhode Island brigade, to wit: "That Congress hired these troops, sent a paymaster to Rhode Island to pay them, did pay them in depreciated value, and now ought, without any intervention on the part of any State, to make up such depreciation agreeably to their pledge of August 12, 1780." This presents the case in a nutshell; and when it is borne in mind that these troops were defrauded of their pay, for the services referred to in the said report, and that the said division of 6,000 men, of which these troops formed a part, were placed in the path of an English army of 7,000 men, and thus enabled Massachusetts, Connecticut, and New Hampshire to march the remainder of their troops to the valley of the Hudson and to aid in the capture of the English army under Burgoyne, we are astonished that any quibbles should have been resorted to in dealing with those troops. The same committee of the honorable the House of Representatives, in their report on the claims of the Rhode Island brigade, say: "But let it be supposed that the State of Rhode Island had no good reason to have refused them; what then? Ought the refusal of a State to assume a legal and honest claim of an individual against the United

States, as required by the acts aforesaid, to preclude that individual from having his just dues? If the claims of this brigade are just and honest in themselves and the subject of a fair charge against the United States, agreeably to their own laws, ought it to be in the power of a State to defeat payment? And if a State attempt to defeat payment through any defect of laws, ought those claims, for that reason, never to be paid? The services of this brigade were performed for the common defence of the country. Shall the country refuse to pay them merely because the State refused in the first instance to assume them? Every regular corps in the continental army, it is believed, has been paid its depreciation (of pay) but this."

Should it be demanded why these claims, if just and legal, remained unasked for, and unpaid through the long period of seventy-five years, the reply of your memorialist is: the officers and soldiers, of the army of revolution, who aided in bringing this government into existence, did repeatedly ask of the United States, and of the State governments, the payment of their just dues, till they were grieved, and mortified, and disheartened, that the neglect of that government for which they had suffered so much should prove to the world they had toiled for naught. They were in no situation to attend the sittings of Congress to obtain their pay for years of toil and suffering in the army of the revolution; they had served a dishonest employer, and that employer had locked up their hard earnings in the treasury, and guarded that treasury by quibbles and fraudulent legislation, till the war-worn soldier was compelled to abandon his rights in pursuit of the means of subsistence—and many died oppressed with poverty, leaving their families destitute, and the government of the United States looked on with indifference and retained the soldier's mite, alike regardless of its duty and the honor of their country. This is (your memorialist states, and can prove) the true history of the apparent neglect of these officers and soldiers to prosecute their claims for the pay promised them for their said services. Your memorialist respectfully asks, what more can be required of a soldier than that he should faithfully perform the duties of a soldier, that he should serve the term for which he enlisted or engaged, should sign the pay-rolls of his regiment, and receive the pay due him for his services? It is the admitted duty, and the practice of every government to place the soldier's pay within the soldier's reach. It is respectfully asked, has the pay due the Rhode Island brigade ever been placed within their reach; and if it has not, has the government of the United States performed its duty to these troops; and will it not be adding insult to injury to render the arbitrary detention of the pay due the officers and soldiers of the Rhode Island brigade as an excuse for never paying them or their heirs?

In evidence of the facts herein above stated, your memorialist respectfully submits the commissions of the said Colonel Archibald Crary, the certificates of the secretaries of state of the several States who had suffered by said depreciation of pay, and refers to the evidence submitted to Congress with the petitions of survivors of the Rhode Island brigade in 1835 and 1836.

Your memorialist, therefore, prays that an act may be passed by your honorable body authorizing the Secretary of the Treasury of the United States to pay the heirs-at-law of said Colonel Archibald Crary (on due proof of heirship being presented to him) the said sum of (£376 18*s*. 8*d*.) twelve hundred and fifty-six dollars and forty-four cents, together with interest, as aforesaid, or that such other action may be had in the premises as to your honorable body may seem meet.

And your memorialist, &c.

ARCHIBALD C. CRARY.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 14.

FREDERICK VINCENT, ADMINISTRATOR OF JAMES LE CAZE, SURVIVING PARTNER OF LE CAZE & MALLET.

[To accompany bill H. R. 239]

JANUARY 22, 1862.—Ordered to be printed.

Mr. DUELL, from the Committee on Revolutionary Claims, made the following

REPORT.

The Committee on Revolutionary Claims, to whom was referred the petition of Frederick Vincent, administrator of James Le Caze, surviving partner of Le Caze & Mallet, having had the same under consideration, report:

It appears that the sum of $4.890 82 was due to Le Caze & Mallet on the 1st of July, 1784, for advances made and supplies furnished to the United States during the revolutionary war, under an adjustment by the superintendent of finance. This balance was duly stated upon the books of the Confederation under that date, and was reported to Congress with a view to providing for its payment.

In view of the inability of the government to liquidate these demands, Congress, on the 3d of June, 1784, enacted "That an interest of six per cent. per annum shall be allowed to all creditors of the United States for supplies furnished or services done from the time that payment became due." In 1790, the government still being unable to pay these claims, Congress, by act of August 4, 1790, authorized the funding of these debts by a subscription to a loan, as therein provided. By the act of May 30, 1794, these debts being yet unsettled, Congress extended the provisions of the act of 1790, declared that interest shall be allowed upon all registered claims, whether subscribed or not, and these provisions were continued by subsequent enactments, from time to time, to December 31, 1797.

This debt was registered upon [transferred to] the books of the treasury of the present government in 1794.

In consequence of the death of Le Caze & Mallet, as will be seen by reports heretofore made in this case by the committee, it appears that no demand for payment of this claim was made from 1797 to December 31, 1844; and the committee are unwilling to allow interest during that period, it being assumed that the government was always, after 1797, ready to pay its just debts when called upon. They have

therefore directed a settlement to be made under the positive provisions of the act of 1790, above referred to, with an allowance of interest from December, 1844, when the administrator made demand for payment, as exhibited by the records of this case. On January 31, 1855, Congress passed an act providing for the payment of the original debt, but omitting the interest; and the committee, considering the claim as justly entitled to interest under the several acts before cited, as well as from the date of demand in 1844, report a bill accordingly.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REP. COM. No. 15.

ISAAC BOWMAN AND OTHERS, EXECUTORS OF ISAAC BOWMAN, DECEASED.

JANUARY 22, 1862.—Laid on the table and ordered to be printed.

Mr. PERRY, from the Committee on Revolutionary Claims, made the following

REPORT.

The Committee on Revolutionary Claims report adversely on the claim of Isaac Bowman and others, executors of Isaac Bowman, deceased, for half pay as lieutenant and quartermaster of the Virginia State line in the war of the revolution. That as Isaac Bowman, the testator, never had any right against the State of Virginia for half pay, the present claimants, as his executors, have not any right to such half pay against the United States.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 16.

LOYALTY OF CLERKS AND OTHER PERSONS EMPLOYED BY GOVERNMENT.

JANUARY 28, 1862.—Ordered to be printed, and the further consideration postponed to Tuesday, the 11th of February next.

Mr. POTTER, from the select committee on loyalty of clerks, &c., made the following

REPORT.

The committee appointed by the Speaker, in pursuance of a resolution adopted by the House of Representatives on the 8th day of July last, "to ascertain and report to the House the number of persons, with the names thereof, now employed in the several departments of the government, who are known to entertain sentiments of hostility to the government of the United States, and those who have refused to take the oath to support the Constitution of the United States," with authority to send for persons and papers, beg leave to report in part, as follows:

The committee met for the first time on Saturday, the 13th day of July, Messrs. Potter, the chairman, Edgerton, Haight, and Fessenden being present. "On motion of Mr. Potter, it was voted that the chairman be requested to address a letter to the heads of the several departments, requesting the names of clerks and others employed in the several departments, designating those who have been appointed since the 4th of March, 1861, and also the names of those now employed, who have refused or neglected to take the oath to support the Constitution of the United States since the 4th of March, 1861."

This resolution was immediately carried into effect by the chairman, and, in the course of a week thereafter, responses were received from the heads of departments, conveying the information desired.

From this time forward the committee met almost daily until the 24th day of August. It then took a recess for a few days, and resumed its labors on the 9th of September, and continued them from day to day until the 8th of October. During this period about five hundred and fifty charges of disloyalty against persons connected with the government were made and inquired into, in relation to which near four hundred and fifty witnesses were examined. Since the present session of Congress commenced, the committee have, as far as their other duties would allow, resumed their investigations, and several meetings have been held, at which important cases have

been inquired into, and valuable information elicited. Indeed, it has become quite apparent that the subject is far from being exhausted, and every day new cases are being brought to the attention of the committee involving serious charges of disloyalty against persons intrusted with office, or employed in responsible situations by the government. It is for this reason that the committee propose to report the result of their labors up to the present time, and, if it be the pleasure of the House, to continue their investigations into the numerous new cases of which they receive information almost daily. It must needs be, that in a time of civil war, disloyal men will be constantly seeking the confidence of the government, in order to betray its secrets, and to enjoy its patronage, and it would be strange if they were not often successful. It is therefore in no spirit of distrust of those who have been called by the President to aid him in the execution of the laws and the administration of affairs that the committee ask for authority to continue their inquiries into the character of public servants.

The position of the President and heads of departments is not favorable to the receipt of information prejudicial to the loyalty of those employed under them. Such information almost invariably rests with fellow clerks and other citizens of Washington, who find it difficult to gain access to those in power, amid the press of public business. In the meanwhile, disloyal men who have resolved to enjoy the patronage of a government which, at heart, they desire to see overthrown, and against which they are perhaps conspiring, lose no opportunity to ingratiate themselves with the Secretaries under whom they hold place, and other influential persons, by faithless professions of loyalty and obsequious protestations of personal regard. It is the office of the committee to step in and supply a channel of communication between the people, who have for years known those disloyal men, and the distinguished gentlemen whose duty it becomes, upon proper evidence, to remove them from office.

The mode of proceeding adopted by the committee has been, to entertain and examine into all charges preferred by respectable and responsible citizens against any person employed by the government. These examinations have been made by calling such witnesses as the committee were led to believe, from the best information they could obtain, possessed the most reliable knowledge of the sentiments and views of the parties charged in relation to the present rebellion. All the evidence has been given under oath; and in a majority of the cases involving the loyalty of clerks, the witnesses have been fellow clerks who have associated with the accused for months or years. The committee have endeavored to avoid, as far as possible, all testimony founded in mere partisan or personal feeling. They may not, in all cases, have escaped this source of misinformation, which must unavoidably attend an investigation of this kind, but they have earnestly striven to guard against it.

A large amount of testimony has been taken by the committee which is not positive in its character. This, unless corroborated by other evidence, has not been submitted with the report, but the per-

sons implicated by it, as well as by the stronger testimony, have been reported to the President or to the heads of departments, with abstracts of the evidence in each case. This has been done, from time to time, in order that those upon whom the responsibility rests, and who may be supposed to feel the deepest interest in the matter, should be correctly informed as to the character of clerks and others, who stand in confidential relations to them and to the government. If this secondary evidence should not be deemed sufficiently strong in some instances, or slight and frivolous in others, the committee nevertheless believed that it might lead to further inquiries on the part of the head of department, or other appointing power, to whom it was sent. Another reason which led the committee to adopt this plan was the importance and the necessity for immediate action in the premises; the danger of continuing disloyal men in public employment being a proposition too plain to be questioned.

As a general rule the parties charged were not examined by the committee; nor were they notified of the charges preferred against them with a view to the introduction of rebutting testimony. The committee is one of inquiry, not of final adjudication; and its functions are similar to those of the grand jury, rather than to the court of justice. Moreover, if the course indicated had been adopted it would have rendered a report impossible during the present Congress by the interminable controversy it would have given rise to, and thus the very object of the investigation would have been defeated; and it would have opened the door to a large mass of negative testimony which would have been as useless to the party accused as to the government. Persons in public employment are not put upon trial for treason, but the House desired information in relation to their feelings and sentiments in regard to the rebellion, in order that the administration and the country might judge of their fitness to be intrusted with responsible situations under the government.

It may happen that loyal men have become the victims of unjust suspicion, and the fact is to be regretted. But they cannot complain if the government should feel constrained to remove them from public employment at a moment when its very existence is imperilled by treachery and violence. The exigencies of the times demand great sacrifices, even to the extent of fortune and life from all classes; and it is a light exaction to make of men of doubtful loyalty, that they be reduced to the level of the great mass of their fellow-citizens by removal from places of trust and power. There have been many such cases of removal, founded on well-grounded suspicions of loyalty, as well as others where the suspicion was slight, or where none was alleged; yet in no instance has any evil consequences followed to the individual other than the loss of the office. If patriotic at heart, the fact soon shows itself by the zeal which they display in the cause of the country; while if the suspicions which gave rise to their removal were well grounded, the fact soon shows itself in their desertion to the enemy, or in their less disguised manifestations of sympathy with the rebellion.

The committee believed that rebutting testimony should be laid before the Secretary, or other official having the appointing power;

and this furnished another reason for the course they have pursued. After the names of parties charged were sent to the heads of departments, and the evidence tendered, copies of the testimony have in most cases been sent for and furnished by the committee. In many cases rebutting testimony has been sent to the committee from the departments; and in all these cases it will be published with the evidence.

Charges against more than five hundred persons have been investigated. In some of these cases, as above stated, the evidence was secondary, and in some it amounted to mere opinions or impressions. This sort of testimony has been, as nearly as practicable, excluded from the report, unless it is elsewhere sustained by direct and positive evidence. It has been sent to the proper authorities in order to warn them against possible or probable danger, and to guide them in their scrutiny of the characters of their subordinates. But laying aside these cases, the evidence adduced shows conclusively that a large number of disloyal persons are still to be found in the various departments—persons who have openly and boldly avowed their sympathies with the rebels. It also shows that there is a large number of employés who have never been heard by any one to utter a sentiment of disapprobation of the rebellion, or of cordial feeling for the maintenance of the Union.

It is not possible for a loyal citizen to remain silent and indifferent in the hour when mad rebellion raises its parricidal arm against the government. At such a time he must speak, and he will act. Love of country is a sentiment as deeply implanted in the human heart as the love of life itself; and if the utterance of patriotic sentiment and sympathy for the nation is withheld, when its very existence is imperilled, it is because treason has infused its poison into his soul and paralyzed his tongue.

The publication of the evidence which is necessarily withheld until the report is made out will be accompanied by a complete index to the cases, alphabetically arranged for each separate department. The House will thus possess a clue to the whole testimony in every case, which will be found to contain much that has not been cited in this report. The committee have aimed to present a fair statement of the direct and specific testimony, leaving that which is vague and secondary, but corroborative, to be read with the mass of evidence.

WAR DEPARTMENT.

On the 22d day of August the chairman sent to the Secretary of War two lists of persons employed in his department in various capacities, against whose loyalty to the government testimony had been taken. The first list, which will be found below, was reported as "disloyal to the government of the United States, and in sympathy with the attempt of the rebels to overthrow the present government." The evidence in these cases, the Secretary was assured, "was deemed conclusive by the committee."

The second list, which is also subjoined, contained the names of those "against whom the evidence furnished a well-grounded suspicion of their loyalty." These lists are as follows:

FIRST LIST.

James M. Wright, clerk, War Department.
James Goszler, clerk, War Department.
Wm. D. Bell, clerk, War Department.
L. M. Morton, clerk, War Department.
T. L. Darnell, clerk, War Department.
Henry Robinson, clerk, War Department.
Patrick Jordan, messenger, War Department.
John S. Conrad, assistant surgeon in hospital, Georgetown.
Zephaniah Jones, contractor, building ovens, &c., for the army.
W. W. Lamon, reported as a clerk in War Department.
John Tyler Powell, captain, District Columbia volunteers.
Wm. M. Ferguson, captain, company F, National Guards.
Robert P. Dodge, paymaster, United States army.
John McCobb, clerk to paymaster, United States army.
Loyd Harrison, lieutenant, United States army.
——— Throckmorton, lieutenant, United States army.
John Hollohan, employed in quartermaster's department as a wagon-master.
James Thompson, watchman in quartermaster's department.

Employed at United States arsenal, Washington, D. C.

Libren Anderson.
Stephen Dudley.
Daniel Moran.
Henry Dudley.
Benjamin Harrison.
Frederick White, clerk.
Alfred Deegle.
Isaac Miller.
Peter McGinniss.
Lewis Locke.
Rodney Brooks.
Thomas Simmons.

SECOND LIST.

Henry Clay Preuss, clerk, War Department.

On the 9th of October the following additional lists of disloyal and suspected persons were reported to the Secretary of War. The first list embraces such as the committee had reason to regard, upon satisfactory evidence, as disloyal to the government, and in sympathy with the rebels. The second list contains the names of those whom the committee had reason to suspect of disaffection to the government.

FIRST LIST.

Edmund H. Brooke, chief clerk, paymaster general's bureau.
Walter Cadman, messenger, paymaster general's bureau.
John Gould, reported as clerk in War Department.
Marvin Sheckles, clerk in commissary or quartermaster's branch.

John T. C. Clark, employed under Captain Dana, quartermaster's department.

Harvey Tilden, captain, regular army.

W. O. Williams, lieutenant, regular army.

Richard W. Barneclo, second lieutenant, District volunteers.

Daniel Blucher, quartermaster, Maryland brigade.

Ferris T. Hyatt, engaged in western Virginia, in the quartermaster's department, under Captain H. C. Ransom.

Thomas A. Delano, engaged in western Virginia, in the quartermaster's department, under Captain H. C. Ransom.

Samuel McPherson, wagonmaster, United States army.

——— Springman, army teamster.

George Wright, foreman, United States arsenal, Washington.

Daniel O'Connor, workman, United States arsenal, Washington.

James Goodwin, workman, United States arsenal, Washington.

Charles Keller, workman, United States arsenal, Washington.

Lewis Julian, workman, United States arsenal, Washington.

Pasco Keller, workman, United States arsenal, Washington.

Andrew Coyle, firm of Coyle & Bro., contractors for lumber.

Joseph Troxwell, firm of Morrison & Co., contractors for flour.

John Laird, watchman, engineer department, Capitol extension.

SECOND LIST.

C. J. Hamilton, superintendent of ambulances.

William Ashdown, foreman, United States Arsenal, Washington.

——— Nolan, laborer, War Department.

Joseph Ward, watchman, Capitol extension.

W. W. Jacobs, clerk, War Department.

The committee, on reassembling, after a recess of nearly two months, addressed a letter, dated December 3, 1861, to the Secretary of War, requesting to be informed as to what disposition had been made of the cases reported, and, in general, what changes had been made in his department since the date of his letter of July 17, communicating a list of his employés. The response, dated December 9, relates only to the clerks, messengers, &c., in the several bureaus, leaving the committee without any information in regard to officers, contractors, and others employed in various ways in the army. The evidence in these latter cases is therefore reported, in order that it may be seen by the several officers having the power of appointment and removal.

The cases of disloyalty reported in the arsenal, Washington, D. C., were referred by the Secretary to the commandant, Major Ramsay, with whom the committee has corresponded.

In response to the committee's letter of December 3, the Secretary of War answered as follows:

"WAR DEPARTMENT, *December* 9, 1861.

"SIR: In answer to your letter of the 3d instant, requesting a further statement of removals made in this department since the

date of my communication of the 17th of July last, I have the honor to report that Lawrence M. Morton, clerk, class 1; Thomas S. Darnall, clerk, class 1; Jonas P. Keller, class 3, and Patrick Jordan, messenger, have been removed; and that James Leslie, jr., chief clerk, and M. H. Cobb, clerk, class 4; R. B. Irwin, class 2; Charles H. Lee, class 2; James Goszler, class 3; Henry Robinson, class 2; William D. Beall, class 4; J. W. Bell, class 2; and N. Thayer, class 1, have resigned.

"Very respectfully, your obedient servant,

"THOMAS A. SCOTT,

"*Acting Secretary of War.*

"Hon. JOHN F. POTTER,

"*Chairman Investigating Committee.*"

To a similar letter of December 6, Major Ramsay, commandant of the United States arsenal, replies as follows:

"WASHINGTON ARSENAL, *December* 11, 1861.

"SIR: I have the honor to acknowledge the receipt this morning of your letter of the 9th instant. The names of persons employed in the arsenal as disloyal to the government, which you communicated to the honorable Secretary of War on the 22d August, did not reach me before the middle of September, when I immediately made known to the parties my instructions. I had previously discharged two of the men on their release from the city prison, viz: Daniel Moran and Lewis Locke. On the 15th of September, I think, I discharged Alfred Deigle, Libren Anderson, Stephen Dudley, and Thomas Simmons. The discharge of Benjamin Harrison was overlooked, accidentally, for some days, as I did not personally know the man. Frederick Whyte (spelled 'White,') clerk, was notified; but you erased his name from the list after an interview with E. N. Stebbins, esq., military storekeeper and paymaster of this arsenal, much to our gratification, and greatly to the advantage of the government. At the time referred to Mr. Miller, the master, was ill at home, and Peter McGinnis, his foreman, and Henry Dudley, a principal workman, were temporarily retained. Subsequently this was extended by authority of the war office, at the instance of the commanding general of the army of the Potomac, and in consequence of the excessive work of a peculiar kind devolving upon this arsenal. These men are still at work, and it is but an act of justice from me to them to say that I do not believe that two better men or more loyal citizens are, in my humble and sincere judgment, to be found within the arsenal. I have known them and daily scrutinized them both in my official intercourse for more than three years. Henry Dudley has the additional merit of having served faithfully as a soldier for some twenty years.

"Alfred Deigle was subsequently restored by me on a statement made to me by Mr. R. B. Clarke, living near the arsenal. Mr. Clarke informed me that he had seen you, and that you were quite satisfied as to the loyalty of Deigle; indeed, I supposed, at the time, that he called on me at least with your approbation. As Libren Anderson

came under no other testimony, I believe, than that of the witness Pittard, said to have been discredited, I also restored him. Mr. Miller was reinstated on the 21st September, at the request of the honorable Secretary of State, and with the approbation and by the direction of the honorable Secretary of War. As regards your letter of the 9th October, addressed to the Secretary of War, presenting the names of others employed here, said to be disloyal, I had not before heard of it. The first named, George Wright, left the arsenal in September under secret instructions from the ordnance office; and when last heard from he was in Belgium. Mr. Wright is the inventor of a percussion cap machine, a mechanic of great skill and ingenuity, and it is well known to the government that the strongest efforts have been ineffectually made to induce him to join the rebels. William Ashdown was discharged by me some weeks ago. We have no such names on our rolls as Daniel P. Connor or James Gardain. The boy, Lewis Julien, was employed on the special recommendation and at the request of Lieutenant General Scott. I can't say whether the other boys named have been retained, as I have of late discharged two hundred, and am now employing women as more reliable in the laboratory.

"I have the honor to be, sir, your most obedient servant,

"GEO. D. RAMSAY,
"*Lieutenant Colonel, Commanding.*

"Hon. JOHN F. POTTER,
"*Chairman of Investigating Committee, House of Representatives.*"

The reply of the Secretary gives no explanation of the reasons which induced the retention of several clerks reported by the committee as disloyal. It may be that in some cases their removal or resignation had taken place before the date of the Secretary's letter of July 17, communicating a list of those employed in his department. The cases referred to are the following:

Henry Clay Preuss, clerk, engineer bureau.
Edmond H. Brooke, chief clerk, paymaster general's office.
James M. Wright, clerk, judge advocate's office.
Marvin Sheckles, clerk, commissary department.
W. W. Jacobs, clerk, War Department.
Walter Cadman, messenger, paymaster general's office.
John Gould, clerk, War Department.
J. T. C. Clark, employed in quartermaster's department.

Comments on the testimony.

HENRY C. PREUSS.

The evidence against Mr. Preuss is that of Chancey A. Horr, a fellow-boarder, who testified that he "heard him say the commissioners (southern) should have been received by our government," and who came to the conclusion, from frequent conversations with him, that his sympathies were with the south in this movement.

EDMUND H. BROOKE.

The evidence against E. H. Brooke is very positive and decided. The witness, Henry C. Stroman, a clerk in the customs' bureau, testifies that in a conversation with Mr. Brooke he justified the conduct of a minister of the gospel in Georgetown, who omitted from the service of the church "the prayer for the President of the United States," and said that his sympathies were with the south, and that "if Maryland (his State) seceded, he should go with her."

JAMES M. WRIGHT.

There are four witnesses who testify to the disloyalty of James M. Wright. The first witness, William O. Baldwin, of Bladensburg, states that Mr. Wright took an active part in a public meeting in Bladensburg, Maryland, the object of which was to induce the call of a convention of the State. At this meeting "Mr. Wright denounced the Union men, declared himself with the south in this rebellious movement; and when reminded that he held an office under the government of the United States, said, 'D——n the office, I can resign it.'" The testimony of another witness, Joseph Gregory, of Maryland, is confirmatory of this statement. A third, James Bowen, charges Wright with endeavoring to persuade him to send his sons to the rebel army; and to a fourth witness, P. K. Sterms, employed at the Patent Office, Wright denounced the war as unjust, and said that the south could not be subdued, but that he would be loyal as long as Maryland was loyal.

MARVIN SHECKLES.

The evidence against Marvin Sheckles is that of James Williams, a watchman in the Treasury Department, who testifies that Sheckles was a member of the National Rifles, and that when the company was mustered into the service of the government he resigned. "He afterwards told me," says the witness, "that he was sorry he resigned, because he had better remained, in order to break up the company." The witness had no doubt that "Sheckles's sympathies are strongly against the United States government, and with the rebels. His associations and affiliations have been and are with that class of men in this city."

W. W. JACOBS.

S. W. Fitch, a clerk in the Census Bureau, testifies that W. W. Jacobs was appointed to a clerkship in some branch of the War Department about the 1st of September, having been removed from the Interior. He told witness that "if he had known that he would be turned out, he could have got an office in the government of the Southern Confederacy, but that it was then too late."

WALTER CADMAN, MESSENGER, PAYMASTER'S DEPARTMENT.

The witness, John Munteny, states that Cadman boards with him, and that "he is an out-and-out secessionist. Last fall and winter, and during the spring and summer, he was very violent and bitter in his expressions against the government and the north, and in favor of the rebels." He claimed Jefferson Davis for his friend, and said that, if he was turned out here, he could get a better office under the Confederate government.

JOHN GOULD.

The first witness testifies that Mr. Gould "is decidedly opposed to the use of force on the part of the government to maintain the Union, and his conversations show that his sympathies are with the south in this rebellion." Another witness testifies to the same purport.

J. T. C. CLARK.

The first witness, John Bontz, testifies that Mr. Clark is "a rabid secessionist," and declared that, "if the south attacked this city, he would not take up arms against the south—not even if his house should be destroyed." The testimony of the other witness, John Hammond, is to the same effect, and that he "often said" to witness "that he hoped Jeff. Davis and his army would come here and murder every damned black republican." Such a man should not be merely a subject of removal from public employment, but of immediate arrest and imprisonment.

The arsenal cases.

FREDERICK WHITE, OR WHYTE.

The reasons assigned by Major Ramsay for the retention of Frederick White will be found in his letter, inserted at length on a preceding page. He is entirely mistaken in assuming that White's name was erased by the chairman from the list of disloyal employés "after an interview with E. N. Stebbins, military storekeeper and paymaster of the arsenal." What the chairman of the committee said to Mr. Stebbins, on the occasion referred to, was substantially that, with his assurance of the man's loyalty, the case could stand over till the committee could re-examine it. Accordingly, since the commencement of the present session of Congress, Mr. White came before the committee, and when the testimony was read to him, and the name of the witness given, he could not persist in denying its literal accuracy, although he alleged that the words attributed to him must have been uttered in jest. The testimony is as follows:

"Immediately after the inauguration, in answer to a remark of mine that the inauguration had passed off quietly, he said it had, but that Lincoln could not remain here longer than the 15th of the month, (March;) that he would be driven out, and he (White) was one of

sixty on the Island who would help to do it. Previously to that he had talked very strongly in favor of the secessionists."

When this testimony was read to Mr. White, he could not deny that he had uttered such language. He thought he could not have said it, as he never meant anything of the kind. He might have said it, but it was in jest, &c. The impression left upon the minds of the committee was that Mr. White was conscious of having used the language attributed to him, and that he had become extremely sorry for his indiscretion. In reply to a question of the chairman, he said that he was acquainted with William S. McPherson, the witness, and that he was a man of truth and loyalty.

This admission of the upright character of the witness seemed to impress him still more with the truth of the charges against him, and to leave him no resource but to declare that he must have used the language imputed to him in jest. The evidence is conclusive that White's sympathies were, at the commencement of the rebellion, strongly against the government, or else that, with the indifference of a mercenary, he was ready to espouse the rebel cause from a belief that it would eventually triumph. The committee indulge the hope that such men will not be trusted in official positions under any department of the government.

PETER M'GINNIS.

The first witness against Mr. McGinnis is William Yonson, a fellow-workman, employed in the same shop, an applicant for the place of master, according to the certificate in behalf of McGinnis, given by Major Ramsay. He swears as follows: "I know Peter McGinnis, also employed in the yard under Mr. Miller. He is acting as foreman. He was last winter an out-and-out secessionist; said the south ought to take this capital. He freely expressed disunion sentiments, and said the south ought to have armed herself long ago."

The fact alleged by Major Ramsay that he was an applicant for the appointment of master workman, implies that he was one of the most intelligent and respectable men in the shop, and as no impeachment of his character is made by McGinnis and his friends in their efforts to rebut the testimony, it must be held as valid. The certificates given by Major Ramsay and Lieutenant Shunk, in behalf of McGinnis, only assure the committee of his good private character and fidelity as a workman, but no single fact or sentiment of his is furnished in vindication of his loyalty to the Union. The nearest approach to a fact of this kind, stated by the commandant, is as follows: "No man at the arsenal has manifested greater interest in carrying on the operations of the arsenal since the war, as I have had the best opportunities of judging." The committee have entire respect for any statement which Major Ramsay may make, but they must dissent from the inference of loyalty to the Union, based on the mere fact that the party inculpated is a man of industry and application to his profession. There are thousands of such men in the employment of the rebel government.

The second witness against McGinnis is George Z. Collison. He swears that "McGinnis, previous to the 4th of March, talked in favor of the south and secession." The character of this witness for veracity is unimpeached, although, like that of Yonson, it must be known to Major Ramsay and other officers in the arsenal.

The third witness, Wilkinson, testifies that he knows Peter McGinnis intimately, and that "I know his sentiments and feelings to be entirely with the south in this rebellion." Major Ramsay states that "Wilkinson was dropped from the roll of workmen in the carriage-making shop because of his arrest and committal to jail or the guard-house of the Capitol in connexion with the killing of a citizen near the navy yard some months since," it being necessary to supply his place immediately. The committee have no information as to the circumstances of the arrest, or what became of it, and are therefore unable to say how far the fact should be taken to the prejudice of the witness as a man of veracity. But even without his testimony, the evidence is conclusive, on the oath of two unimpeached witnesses, that McGinnis has given utterance, since the rebellion, to the most treasonable sentiments.

In order that entire justice may be done to the case, the certificates of Major Ramsay and Lieutenant Shunk are appended to the evidence.

HENRY DUDLEY.

The first witness against Mr. Dudley is Mr. Yonson, whose character and position have already been discussed in the remarks upon Mr. McGinnis's case. He says: "I also know Henry Dudley, employed at the arsenal under Mr. Miller. He was a secessionist last winter, and expressed disunion sentiments freely." This positive testimony of an unimpeached witness cannot be set aside by the fact that the party accused has acquired the good opinion of the commandant of the arsenal. It is also to be remarked in this and other cases of the kind, that the position of a superior officer is not favorable to the formation of an accurate judgment as to the opinions and sentiments of those so far below him in station. The intercourse between the witness and his fellow-laborers in the arsenal is that of equals; whereas it cannot be supposed that the commandant would admit of such familiarity on the part of the laborers employed by him.

ALFRED DEEGLE.

The first witness in this case is Jabez Pittard, who swears that he "heard Deegle say, since March last, that he thought the south right, and if it was necessary he would take up arms in defence of the south in this rebellion; said he would not enlist in the United States army, because the United States were wrong."

The second witness is Benjamin King, who testifies that Deegle "has said that he did not intend to fight; but if he had to, he should fight with the south in this war. I heard him say this in March or April."

Reason Ferguson testifies, vaguely and dubiously, to the same effect

RODNEY BROOKS.

The witness, Marcus Bickford, resides in Maryland, and is acquainted with Rodney Brooks, said to be employed at the arsenal in this city. "Heard Brooks say, soon after the troops came through Baltimore, that he wished he was in Baltimore to help the Baltimoreans; that the troops had no business there, and ought not to be permitted to go through, or to come on the soil of Maryland." He (Brooks) "justified the attack, and said it was right. He said he was looking for a commission from the Southern Confederacy; that he had written for one."

LIBREN ANDERSON.

Jabez Pittard, whose evidence has been cited above, in the case of Deegle, testifies that he had heard Libren Andrews, or Anderson, employed in the arsenal, "use similar language, within the same time. Both expressed themselves in sympathy with the south, and against the United States."

GEORGE WRIGHT.

Jonathan Dillon testifies that he knows Wright, and regards him as a secessionist from his conversation, connexions, and associations.

A second witness, Wm. J. Cadrick, testifies as follows: "He (Wright) told me he was a southern man, with southern principles and feelings, and expressed himself in favor of secession. Afterwards he told me he was a Union man."

The committee has been informed by Major Ramsay that this man Wright "left the arsenal in September, under secret instructions from the ordnance office, and when last heard from he was in Belgium. Mr. Wright is the inventor of a percussion cap machine—a machine of great skill and ingenuity—and it is well known to the government that the strongest efforts have been ineffectually made to induce him to join the rebels."

The committee cannot but regard the fact that Wright has been strongly, though ineffectually, tempted to join the rebels, as corroborative of the testimony of the witnesses as to his secession proclivities; and they give it as their judgment that to send such a man abroad for any purpose, and especially for the purchase of arms, at a time like the present, is a dangerous and unnecessary expedient.

DANIEL O'CONNER.

A mistake was made as to the name of this person in the list of disl loyal employés sent to the War Department. It was given in as Danie- P. Conner, and Major Ramsay says, in his letter above, embodied in this report, that no such person is engaged in the arsenal. The first witness says: "He was an outspoken, open, rank secessionist," and that he withdrew from employment at the navy yard after the Baltimore riot, in April, but subsequently found work at the arsenal.

Another witness, Reuben Phillips, gives hearsay testimony to the

effect that O'Conner left the navy yard and joined a secession military company in Baltimore, and asserts, as of his own knowledge, that he was, at the time the evidence was given, employed at the arsenal.

JAMES GOODWIN.

The commandant of the arsenal says, in his letter, that no such name as James Gardain is on the roll of employés. It was written for Goodwin. The witness testifies that "he, Goodwin, is the foreman of the saddler's department. In the fall, after the election, I heard him say that he was with the south, and would fight for the south in case of war. This, I think, was before the war commenced," &c.

LEWIS JULIAN, CHARLES KELLER, PASCO KELLER.

A messenger in the Census Bureau, John Sullivan, testifies that "there are three of the boys employed at the Seventh Street arsenal, on the Island, making cartridges, whom I know, and two of them were yesterday rejoicing over the surrender of Mulligan. I heard them do this. Their names are Charles Keller and Lewis Julian. The other one, Pasco Keller, I have heard singing the 'Star Spangled Banner,' and he substituted for 'star spangled banner' 'secession banner,' and for 'home of the brave' 'home of the slave.'" The letter of Major Ramsay informs us that Wm. Ashdown, who had charge of the manufacture of cartridges, has been removed. The testimony against him shows that he is a secessionist, and it is not surprising that he had gathered around him, as assistants, persons in sympathy with his views.

ISAAC S. MILLER.

This person, with several others employed at the arsenal, was reported to General Scott, in July last, as disloyal, upon evidence taken before the committee. A few days thereafter, viz: on the 30th of the same month, the chairman received a note from Justice Thomas C. Donn, of this city, stating that "General Mansfield has directed me to commit eight gentlemen, by order of the House committee, which I have done. I have been detailed by General Mansfield in all military arrests to take testimony and transmit the substance of the testimony to him. The friend (Rev. Dr. Sunderland) of one of the parties arrested desires an investigation in his case. It is for you, in this case, to fix the time for the investigation, or to decide whether there shall, at the present time, be any further investigation in the matter." This judicial inquiry being entirely foreign to the objects and powers of the committee, the chairman, in a note to the justice on the same date, replied accordingly. The parties arrested were discharged from custody, and most of them restored to their situations. Mr. Miller was subsequently removed, but was reinstated after three days, and is still in place.

The commandant of the arsenal states that "Mr. Miller was rein-

stated on the 21st of September, at the request of the Hon. Secretary of State, and with the approbation and by the direction of the Hon. Secretary of War." The chairman of the committee, having been informed by the President that an application made by Mr. Miller to be reinstated had been referred by him to the Secretary of State, addressed a note to the Secretary on the 7th of October, asking him if the testimony taken by the committee in the case was before him when the application was examined. The letter of the Secretary in reply merely states that "the application in his behalf was transmitted to me by the President, and subsequently, after examination. referred by me to the War Department. No other papers in regard to the case accompanied it, nor have any since been received." The inference is a necessary one that the Secretary of State gave no advice in the premises.

The first witness in this case is William Yonson, whose evidence has already been cited in reference to two other employés in the arsenal. Major Ramsay states that he works in the same shop with Miller, and is an applicant for the place of master. His testimony is explicit, to the effect that Mr. Miller is in full sympathy with the secessionists; that he justified the attack on the Massachusetts regiment at Baltimore, defends the cause of the rebels, and has a son in the rebel army.

Another witness, Alfred B. Wilkinson, testifies that "immediately after the attack on the troops in Baltimore, in April last, during dinner hour, while talking over the matter of that attack, he rose up out of his chair, struck his fists together, and said that 'Northern hands are now stained with southern blood;' that 'it must be revenged at all hazards;' that 'the south must and should be maintained.' He has a son a surgeon in the rebel army," &c.

James Talbert, a third witness, says: "I know Dr. Aaron W. Miller, the son of Isaac Miller, who is employed at the arsenal in this city. He told me if he did not know that his father was with the south he would have him turned out, if possible. The doctor is now in the secession army.

A fourth witness, James R. King, testifies that Mr. Miller gave the strongest expression to his southern sympathies about the time of the attack on Fort Sumter, and was in the habit of reading the Baltimore Sun aloud to the workmen—a paper of decided, and at that time undisguised, secession views.

The committee cannot withhold the expression of their profound astonishment that the positive testimony of these four witnesses should be set aside in favor of the mere opinion, or at best the negative evidence of partial friends. The characters of the witnesses are unimpeached, and it is difficult to set limits to incredulity if their evidence is to pass for nothing. This case, with others, has been called to the attention of General Scott, of the President, of the Secretary of War, and of Major Ramsay, more than once, yet the man is retained in a responsible situation, on the plea of his general good character, which could be offered with equal justice in behalf of many of the leaders of the southern rebellion.

It will also be observed that the Secretary of State admits that the evidence taken by the committee against Mr. Miller was not before him when he examined, by order of the President, the application of Mr. Miller to be reinstated; and the committee will add that the evidence in this case was never called for either by the President, the Secretary of War, the Secretary of State, or any other person connected with the administration.

Officers of the army and others in the employment of the War Department.

LIEUTENANT COLONEL WILLIAM MAYNADIER.

This officer holds the responsible post of assistant to the chief of ordnance. The principal charges affecting his loyalty are, first, that he was a party to the effort, in December, 1860, of John B. Floyd, then Secretary of War, to transfer cannon to the south, under the pretence of arming fortifications at Galveston and Ship Island, which in fact had no existence, but in reality to furnish the munitions of war for the intended rebellion; and second, that he was privy to the sale by Floyd of 100,000 or more muskets to A. A. Belknap, and 20,000 to other parties, in violation of law, and to the great detriment of the public service, the object being to disarm the government and to arm its rebel enemies.

The first of these charges was formally preferred by Colonel Craig, of the ordnance department, in June last, against Major Maynadier, to which the latter answered in a letter to Adjutant General Thomas, dated the 21st of the same month. He says:

"I was not called on for any information as to the condition of any fortifications on the Gulf coast. The Secretary of War sent for me and gave me a positive order to send the cannon pertaining to the armament of the forts on Ship Island and at Galveston to those forts.. I knew not, and it did not become me to inquire into the reasons or motives of the Secretary of War for giving an order clearly within his province. My duty was obedience, and not questioning, and I simply obeyed. I ascertained from the engineer department what kind and calibre of guns composed the armament of those forts, and the proper kind so ascertained were directed to be sent. Article 60, Ordnance Regulations of 1852, prescribes that 'the arming of permanent fortifications will be specially directed by the Secretary of War.'"

The chief witness on this charge is General H. G. Wright, of the engineer corps. He swears that Major Maynadier applied to him for information regarding the number of guns for the fortifications at Galveston and at Ship Island; and that his answer was as follows: "Captain Maynadier called at my office and stated that he wished to ascertain the number, kind, and calibre of the ordnance designed for the fort at Ship Island and the fort at Galveston, to enable him to execute an order he had received from the Secretary of War to send the ordnance to those works. My reply to the question was, in effect, that the works referred to were in no condition to receive their armament; that the first mentioned was not defensible, not being prepared for its first tier of guns even; and that at the second *the*

ground for laying the foundations of the fort had not been broken; and finally that the guns would not only be useless there, but *in the way* of any operations of construction. I stated to him, moreover, *that the armament of the works had never been fixed by the armament board;* and that while I could give him the number of guns the plans contemplated, I could not give him their calibre. In answer to this he stated, in effect, that he had the positive order of the Secretary of War to send the guns; and that while he was bound to obey the order, he was not responsible for its propriety, and requested me to give him the information he wanted. This request I so far complied with as to show him the plans of the works, count the number of pieces of ordnance for which they were designed, and to give him *my opinion* as to what the kind and calibre should be."

In reply to questions the witness further stated that he "presumed that the purpose of the then Secretary of War, Mr. Floyd, was to place a large number of heavy guns in positions where they could be seized by the rebel or disaffected authorities of the Gulf States, as I could see no other purpose in sending the guns to those places at that time. I was so fully impressed with this idea that I presented the whole matter to General J. G. Totten, at that time in this city, but not then on duty in the engineer department, and he submitted a statement of the facts in a note to General Scott. What further action was taken in the matter I am unable to state positively, but I understand that the detention of the guns at Pittsburg grew out of General Scott's action."

Major Maynadier dwells upon the fact that the duty of ordering the armament of fortifications belongs to the Secretary of War; but Captain H. G., now General Wright, testifies before the military committee as to the usual course, that "the engineer department reports to the Secretary of War that the particular work is ready for the whole or a part of its armament, describing the armament needed. It then remains for the Secretary of War to order the armament to be supplied or not, as he may see fit. The order goes to the ordnance department, I believe." Colonel Craig, for ten years at the head of the ordnance department, states on oath before the same committee, that "when fortifications are ready for armament, the usual practice is for the chief engineer to notify the chief of ordnance that the fortification is ready for its guns, naming the kind; his communication is referred to the Secretary of War, who directs the execution of it."

It therefore clearly appears that the proceeding was as irregular as it was treasonable.

This is the testimony of high officers of the army, and it leaves no shadow of doubt that Major Maynadier, in executing, or attempting to execute, the order of Floyd for the transmission of one hundred and forty-one of the largest cannon from Pittsburg to the Gulf of Mexico, did it with the full knowledge that one of the forts was unfinished and the other not even begun. It is scarcely less clear that Maynadier must have known or believed that the object of Floyd in giving the order was to disarm the government and to arm its rebel enemies. It is conceded that he is one of the most intelligent men in the army,

and has been in the ordnance department as assistant for nearly twenty years. He speaks with evident pride in the letter quoted above, and which will be printed at large in the evidence, of the confidence reposed in him by Jefferson Davis and Floyd, of their frequent consultations with him, the assistant, in preference to his superior, Colonel Craig; and it is therefore not to be believed that he would have withheld an opinion from the Secretary of War in regard to the impropriety of sending cannon to the Gulf coast to arm fortifications which had no existence from motives of mere modesty. He says that his "duty was obedience, not questioning." This, as a general rule, is correct; but in a case of palpable treason on the part of a high officer, passive obedience in the inferior ceases to be a duty, and becomes a crime.

The following facts stated by Major Maynadier himself, in his letter of exculpation to Adjutant General Thomas, will show his relations with Jefferson Davis and Floyd; and he makes it quite evident that he was a favorite with each of those distinguished traitors. He says: "I never gave aid and counsel to the evil designs of Secretaries Davis or Floyd, or any other Secretary of War. * * * Each of those Secretaries was distinctly informed by me that it was embarrassing to me, and was contrary to military propriety to consult me in regard to affairs of the ordnance bureau, when the chief of the department was present, and that I requested that it might not be done. I may add, that each of them replied, in substance, that they had a right to obtain information pertaining to the War Department from any officer of the army; that Colonel Craig either did not understand his professional business, or could not explain it intelligibly, and that they should exercise the right of sending for and interrogating me whenever they thought proper to do so. Whenever they did so, I gave them my views honestly, and their decisions or acts, after hearing these views, are their own, and I am in nowise responsible for them."

This statement shows that Major Maynadier enjoyed the confidence of Davis and of Floyd to a high degree; and the actual displacement of Colonel Craig as chief of ordnance, on the 17th of November, 1860, in order to make room for Maynadier, at the moment when the work of disarming the government, and the arming of the disaffected States, was to be consummated by the traitor Floyd, is a most significant fact which cannot be lost sight of in this investigation.

From the letter of Major Maynadier to Adjutant General Thomas the committee have already cited the following passage: "*I ascertained from the engineer department what kind and calibre of guns composed the armament of these forts*, and the proper kind so ascertained were directed to be sent." In his report to Secretary Floyd, dated December 21, 1860, he says: "I have ordered forty-two columbiads and four thirty-two-pounder guns to be sent to the fort on Ship Island; also seventy columbiads and seven thirty-two-pounder guns to the fort at Galveston harbor. * * * *These pieces of ordnance belong to the regular armaments of the respective forts.*"

This is what Lieutenant Colonel Maynadier calls a strict and literal

fulfilment of his subordinate duties. General Wright had informed him, first, that the fort at Ship Island was in no condition to receive an armament; second, *that the ground had not been broken at Galveston* for the construction of the fort; and third, *that the armament of the works had never been fixed by the armament board.*

After comparing this evidence of General Wright, an intelligent, distinguished, and highly honorable witness, with Major Maynadier's report to Floyd, your committee submit that the latter displays a facile readiness to carry out the treasonable scheme of his superior, as much at the expense of truth as of the public weal. And this brings the committee to the consideration of the second charge of disloyalty which has been preferred against Major Maynadier.

On the 30th of October, 1860, Colonel Craig made an official report to the War Department, stating that the total of muskets of all kinds in the public service, including the army, navy, and marine corps, amounted to only "530,000, dispersed among the arsenals of the country." In former years, he states, the number had been "nearly 700,000, and was not then considered too great for the country." He, at the same time, insists that "no further reduction by sales of the old model serviceable arms should be allowed until our arsenals were better supplied."

On the 17th of the following month Colonel Craig was relieved from duty as head of the ordnance bureau, and on the 22d Maynadier was substituted in his place. The day preceding this appointment a proposition was made to Floyd, by A. A. Belknap, "to purchase of the department from one to two hundred and fifty thousand of the United States flint lock and altered percussion muskets, and to have the same delivered to me or my agent in New York city." This fact is taken from Belknap's evidence before the report of the military committee of the last House of Representatives, report No. 85, which your committee have felt at liberty to use in this connexion. "As originally written," says Belknap, "the proposal was for two dollars per gun, but the words 'and fifteen cents' were interlined before the paper was presented to the War Department."

On the back of said letter is the following indorsement:

"The within proposition is accepted to the extent of one hundred thousand muskets, and as many more, up to the maximum number, as the service will spare.

"J. B. FLOYD, *Secretary of War.*"

Subsequently Floyd, by a strange freak, professed to discover that the price for which the arms were sold was less than he supposed when he accepted the bid, and said that they should not be delivered for less than $2 50 per musket. Belknap leaves us to infer that the new terms were accepted, and says that "Secretary Holt refuses to give me the guns."

Major Maynadier speaks of this transaction as a mere bid on the part of Belknap, and declares that "not a single musket has been sold to Belknap at any price."

According to the testimony of Colonel Craig before the military committee, 10,000 muskets were sold to G. B. Lamar, of Georgia, on the 24th day of November, 1860, 5,000 to the State of Mississippi on the 4th of December, and 5,000 to the State of Louisiana on the 15th of the same month. All these sales, then, occurred within less than a month after the removal of Colonel Craig and the appointment of Major Maynadier, and immediately subsequent to the appearance of Colonel Craig's report in which he protests against the sale of more small arms.

Colonel Craig states that only 50,000 of the 141,000 arms sold during Floyd's administration of the War Department were advertised, as required by the law of 1825, and that he protested against further sales. The consequence was his removal and the substitution of Major Maynadier, under whom these immense sales were made, to aid the cause of treason by a corrupt violation of law.

The 20,000 last mentioned were sold to parties and to States in open or threatened rebellion against the government, and the fact was as well known then that they were to be used against the government of the United States as it is now.

In the evidence of Belknap he mentions George N. Saunders, a well-known traitor, as one of his advisers in the purchase of the 100,000 muskets. The whole conduct of Floyd leaves not a doubt that he believed he was making a sale to parties in the interest of the rebellion, and it were affectation to suppose that in annulling the original agreement at the rate of $2 15 he was actuated by honorable or patriotic motives. The only rational explanation of his conduct in cancelling the contract, therefore, is to be found in the supposition that he discovered that a mistake had been made as to the purchasers, and that his fellow-conspirators could not obtain possession of the arms.

Here, then, we have incontrovertible evidence that, within a month after Major Maynadier was placed at the head of the ordnance department, 20,000 stand of arms were sold to the rebel enemies of the country; and that 100,000 to 250,000 stand were bargained for, evidently with the expectation that they were to go into the same hands. Yet Major M. made no protest nor entered a complaint in any quarter; and, indeed, has not attempted to show that he was not fully conscious of the treasonable object of the sales to which he was privy.

It is remarkable that the Secretary of War, by the advice of the Adjutant General, dismissed these grave charges of treason and corruption as frivolous and unworthy of investigation.

ROBERT P. DODGE, PAYMASTER.

James W. Deeble, a clerk in the Navy Department, swears that during the last presidential campaign, and subsequent to the election of Mr. Lincoln, he had frequent occasion to go to the counting-room of Boyce, Thomas & Dodge. The Thomas referred to is the adjutant general of the army. "Robert P. Dodge," says the witness, "seve-

ral times engaged me in conversation on the subject of politics. * * * After endeavoring to convince me, as formerly, that the republicans were wrong, and that the south was right, and referring to his Bible to prove his positions, but without success, he remarked, in a manner which surprised me, that 'Mr. Lincoln could never be inaugurated;' and when I asked him why, he replied, 'Some one will kill him.' Remarking that he ought not to utter such sentiments, lest he might tempt less intelligent and conscientious persons to attempt a fulfilment of his prediction, I left his place of business. This was after Mr. Lincoln had been elected."

Another witness, William H. Craig, swears that he "knows Paymaster Robert P. Dodge," and "that the feelings and sympathies of his family are with the southern secessionists."

A third witness, T. J. Lugenbeel, swears that Mr. Dodge "is generally regarded in the city of Georgetown as a secessionist."

JOHN W. M'COBB.

Mr. McCobb is, or was, appointed clerk to Mr. Dodge, as paymaster. The first witness, Stephen H. Sherman, swears, "I am well acquainted with John McCobb, who is clerk to Robert P. Dodge, a paymaster in the army." * * "I know, from repeated conversations with McCobb, that he is a rabid secessionist; the most bitter I ever heard talk; I know him well."

Wm. H. Craig swears that "I know McCobb, clerk for Dodge, paymaster; he is a secessionist all over."

T. J. Lugenbeel swears that "McCobb, clerk to Dodge, is a secessionist; I have heard him say so."

The evidence in these cases can leave little doubt of the disloyalty of Mr. Dodge and his clerk, McCobb. A witness swears also that Boyce, the partner of Dodge and Thomas, is a violent secessionist; and, in a word, there seems to have been but one feeling among the parties—that of deep sympathy with the rebel enemies of the country.

LLOYD HARRISON, SECOND LIEUTENANT IN SHERMAN'S BATTERY.

William H. Craig, already quoted more than once, swears that "Lloyd Harrison was also appointed lieutenant, under the patronage of the adjutant general. He went to Alexandria and enlisted in Shafer's company of rebels. He came back and boasted that he held a United States commission, notwithstanding he had enlisted in the secession army. He was appointed a lieutenant through the influence of General Thomas. Says now he was drunk when he enlisted in the rebel army."

T. J. Lugenbeel swears that "Lloyd Harrison, second lieutenant in Sherman's battery, is generally regarded as a secessionist. I have heard him utter secession sentiments."

LIEUTENANT THROCKMORTON, UNITED STATES ARMY.

The only testimony against this officer was given by J. C. Lewis. He states that his appointment was made last spring. "His father

is a captain in the Black Horse Cavalry, in the secession army. He (the father) was a clerk in the War Department, and was ordered to be arrested by General Mansfield for carrying information to the rebels while clerk, but he escaped. He had a secret till made in the seat of his buggy, in which he used to carry letters, &c., to the rebels. The son is in open sympathy with the father. He is a secessionist."

CAPTAIN EDWARD ALLEN, DISTRICT VOLUNTEERS.

William C. Bambergher testifies that he had a conversation with Captain Allen about ten days previous to his being commissioned; that "he spoke of the constitution of the southern confederacy; said it was a better one than ours, and that we should have to adopt it yet; that it would not be a long time before the confederate flag would float over the Capitol." The witness adds, "he now claims to be a good Union man."

LIEUTENANT W. O. WILLIAMS, UNITED STATES ARMY.

The witness in this case is Mr. William S. McPherson. He testifies that Lieutenant Williams had been a clerk in the Coast Survey office. He further says: "During last winter, before he was appointed lieutenant, in conversation with him on the subject of secession, he favored secession, and said to me that he was a disunionist *per se*. In conversation with me he showed that he was a disunionist."

C. J. HAMILTON, SUPERINTENDENT OF AMBULANCES.

Thomas W. Hay testifies regarding Hamilton that several persons expressed surprise when they heard of his appointment; does not know whether he is superintendent of ambulances, but believes he has some appointment in connexion with ambulances. He also states: "About six or seven weeks ago, a short time previous to his appointment, I heard him say that "the north was constantly aggressing on the south, and he condemned the United States government in prosecuting the war."

DR. JOHN S. CONRAD, ASSISTANT SURGEON, GEORGETOWN HOSPITAL.

The first witness, J. F. Stoek, swears that "Conrad said he hoped the south would succeed—that he believed the south was right, and the United States government was wrong in attempting to coerce them. He justified the attack on Sumter, and gloried that Anderson had been compelled to surrender. He also, * * in reply to a question if he should go south, said no—he could do the south more service by remaining here."

A second witness, the Rev. John W. Cornelius, testifies that "I held a conversation with Mr. Conrad, about the time of the bombardment of Sumter, or the time the news arrived of that affair. In this conversation Mr. Conrad expressed sentiments of hostility to the government of the United States. In the conversation he justified the attack on Sumter; he seemed gratified that Anderson was com-

pelled to surrender; said that all those who opposed the secession of the southern States were abolitionists. I asked Mr. Conrad why, if he held such sentiments, he did not go south? He replied that he could do the north more harm by obtaining a medical position in the United States army than he could by joining the southern army. At the time I did not know but that he was speaking jocosely; but, when I heard that he had sought and obtained a position as assistant surgeon in the Georgetown hospital, I felt it my duty to inform the committee of the facts. My relations have never been otherwise than pleasant with the family."

ZEPHANIAH JONES, CONTRACTOR.

The first witness in this case is James Bowen. He testifies that Jones was employed at Alexandria to bake bread for the troops, and that an affidavit was made before Justice Donn, by John Collins, and placed in General Mansfield's hands, to the effect that Jones had said that if any northern men came here to fight the south he hoped they would be hung as high as the Capitol. This witness again testifies that he heard Jones say, in last April, just before the Massachusetts regiment came on, "that any man opposed to the south ought to be hung, or any men who would take up arms against the south ought to be hung;" and that subsequently Jones asserted a willingness to let the secessionists have his property. Witness regards him as an unquestionable secessionist.

William Hurdle testifies that Jones had been in government employ, and that he heard him say that any man who would take up arms against the government ought to be hung.

John Plant testifies: "I know Zephaniah Jones, master brickmason, at present employed over the river putting up ovens for the army. He is an out and out secessionist. He told me last fall that they could drive all the republicans out of this city before the 4th of March. There is no doubt but that he is a secessionist."

William B. Downing also says he has known Zephaniah Jones for many years, and that he has no doubt but that he is a secessionist, "and that his feelings and sympathies are entirely with the south in this rebellion."

ANDREW COYLE, CONTRACTOR.

Ulysses B. Ward, a citizen of Washington, was summoned before the committee, and testified that this person is a member of the firm of Coyle & Brother, lumber merchants, who have furnished a good deal of lumber to the government, and were then supplying a quantity for a magazine over the river. He then states: "While I was a member of the volunteer company I met Mr. Coyle on 7th street, corner of E, and he asked me if I was not almost tired of soldiering. I said, 'No; I am doing my duty in a good cause.' He replied, 'You are fighting for old Abe Lincoln's government. We have no United States government any more, and I will do nothing to uphold any such government administered by Lincoln.' 'The government,'

he said, 'was a d——d old abolition concern, and he would do nothing to uphold it.' "

CAPTAIN JOHN TYLER POWELL, DISTRICT VOLUNTEERS.

James S. Ewbank testifies that Captain Powell is or was a captain in the Washington Zouaves, and had been dismissed from the Patent Office. He had heard him declare himself a secessionist and express secession sentiments before his removal from the Patent Office.

George T. Raub says that "during his (Captain Powell's) term of service as a three months volunteer I heard him say that if Maryland and Virginia seceded he should go with the south."

CAPTAIN HARVEY TILDEN, UNITED STATES ARMY.

The witness, Alfred B. Mullett, is a clerk in the Treasury Department, and is acquainted with Harvey Tilden, lately appointed captain in the regular army. About the time of the attack on Fort Sumter he told witness "that all this trouble was brought on the country by the black republicans; that the south was right, and he hoped they would whip the government to hell." The witness further states that his whole conversation was the rankest kind of treason, and that there are several persons in Cincinnati who can testify as to Tilden's disloyal sentiments.

DANIEL BLOCHER,

Quartermaster in Colonel Thomas's Maryland brigade.

The first witness, Henry Davis, resides in Baltimore, and is acquainted with Daniel Blocher. Heard Blocher condemn the government for arresting Marshal Kane. Heard him condemn the government for sending Generals Sigel and Lyon to Missouri. Heard him frequently say "that the government would never be able to conquer the south; that it would have to make peace with them, and acknowledge the southern confederacy."

The next witness, Edward Wolf, resides in Baltimore, and knows Daniel Blocher, lately appointed quartermaster in Colonel Thomas's Maryland brigade. "Heard Blocher speak of an occurrence which took place on the Potomac river, in which a Union man was killed by a rebel. He justified the act." Heard Blocher "censure the administration in strong terms for suppressing the rebellion, and particularly expressed his disapproval of sending troops into Virginia."

The next witness (John P. P. Jones) resides in Baltimore, and is well acquainted with Daniel Blocher, appointed quartermaster in Colonel Thomas's Maryland brigade. Blocher "condemned coercion; condemned the administration for sending troops into Virginia and Missouri; and favored the acknowledgment of the independence of the Gulf States, and blamed the administration for not letting them go."

The next witness (Lemuel W. Goswell) resides in Baltimore, and is acquainted with Daniel Blocher, who "informed witness that

he held an appointment as quartermaster in the Maryland brigade." Witness states his opinion, derived from conversation, that "Blocher's sympathies are with the secessionists, and not with the government."

The next witness (B. F. Norris) resides in Baltimore, and regards Daniel Blocher as a disloyal man. In conversation with him he "expressed the most disloyal sentiments, so much so, that he (witness) requested his neighbor, at whose house he was then visiting, not to permit Blocher to come there if he persisted in talking against the government." Witness was "astonished when he heard of Blocher's appointment to office, and thinks General Thomas was deceived in the man."

A. L. M'INTIRE, ORDNANCE BUREAU.

The witness in this case, (T. B. Brown,) a resident of Washington, testifies "that A. L. McIntire said, in conversation, that we had nothing but a military despotism here, and an abolition President; that we could never subjugate the south; and that McIntire exulted over the result of the fight at Manassas, on Sunday, July 21."

LIEUTENANT RICH. W. BARNECLOE, DISTRICT OF COLUMBIA VOLUNTEERS.

The witness is an employé in the Post Office Department, and is acquainted with 2d Lieutenant Barnecloe, of Captain Morris's district volunteers, Colonel Tait's regiment. During last spring he informed witness "that if certain States went out [of the Union,] he should go out with them." He mentioned Maryland as one. He told witness, on several occasions, "that as soon as the government commenced to make a political thing of this contest, he should be out of it."

SAMUEL M'PHERSON, WAGONMASTER, QUARTERMASTER'S DEPARTMENT.

The witness (John B. Hines) is an employé in the Patent Office, and is acquainted with Samuel McPherson, a wagonmaster in the quartermaster's department, having charge of some twenty-five wagons, and employed in the army across the Potomac, in Virginia. Witness states that "McPherson formerly resided in Columbia, South Carolina, where he was employed as a mechanic in the erection of the new state-house. After his return to this city, in the month of June, witness had a conversation with him in which he (McPherson) said, "the north, (or, as he called them,) the abolitionists, had brought on the war and all the other troubles." He was very bitter against them, and said "that the south ought to have her rights." The tone of his conversation, his manner, together with what he said, satisfied witness that McPherson's sympathies were with the rebels in this contest. Witness was astonished at McPherson's appointment, as he considered him a very unsafe man for such a position, connected with the army.

JOSEPH TROXWELL,

Of the firm of D. L. Morrison & Co., of Washington, D. C., contractors for furnishing the commissary department with flour.

The witness (W. B. Ward) resides in this city, and is acquainted with Joseph Troxwell, of the firm of D. L. Morrison & Co. "This

firm is furnishing flour and feed to the government, through T. McGlue, who is an employé or agent of Major Beckwith, commissary of subsistence, United States army." Witness "knows Troxwell to be a very ardent secessionist, and to have expressed himself in favor of the south, saying 'that he hoped the south would succeed, and he believed that they would.' His partner, Morrison, is quiet, but when witness talked with him he expressed sympathy with the secessionists."

SOLOMON STOVER,

Of the firm of Stover & Earl, employed by the quartermaster's department in repairing wagons, &c.

The witness (John A. Rheem) resides in this city, and is acquainted with Solomon Stover, who is employed by the government as a blacksmith and wheelwright. Witness held frequent conversations with Stover, in "which his sympathies, as expressed, were with the rebels, and against the government. Speaking of the rebellion, and the government bringing troops to this city, Stover said, 'that General Scott ought to have a bullet through his head.' He was so violent in his language against the government, and in favor of the rebels, that witness ceased to have any intercourse with him."

COLONEL W. H. YOUNG, KENTUCKY CAVALRY.

Mason H. Ford, a witness in this case, resides in Camden, New Jersey. He stated to the committee a part of a conversation with Colonel Young, in which that individual informed him of a plan he had for defrauding the government. "This war," he said to the witness, "is not an honest war, but a political war, and I'll be damned if I am going to get their horses passed without making something out of it. Every one is going in for the most he can make for himself." The rest of the testimony of Mr. Ford bears rather on Colonel Young's morality than his loyalty, and will be found at length in the evidence.

FERRIS F. HYATT AND THOMAS A. DELANO,

Employed in quartermaster's department in Western Virginia.

The committee received a letter from Lyman Truman and some forty other citizens of Oswego, Tioga county, New York, informing them at length of the grounds on which they were led to distrust the loyalty of the two persons named. This letter is given in the evidence.

CAPTAIN WILLIAM FERGUSON, DISTRICT OF COLUMBIA VOLUNTEERS.

William Hutchison, the witness in this case, resides in this city, and heard Ferguson say, prior to his raising a company, "that the south had a right to rebel and take the Capitol." Ferguson was at one time stationed on guard at the Capitol.

JAMES REYNOLDS,

Clerk in some branch of the commissary department in Washington, D. C.

The witness, James Devlin, resides in this city, and is acquainted with James Reynolds, a clerk in some branch of the commissary department. Witness "heard Reynolds say, in April last, in speaking of a brother of his being in the federal army, that if Jeff. Davis would give him a commission he would fight against his brother."

JAMES C. M'GUIRE, CONTRACTOR FOR HOSPITAL SUPPLIES.

Mr. McGuire is a wealthy citizen of Washington, whose strong southern sympathies are well known to the public, and his employment by the government to furnish large quantities of supplies for the army, by which he must have made many thousands of dollars, has been a subject of universal surprise among loyal and patriotic men. The proof that his sympathies are not with the government which protects him, and whose patronage he enjoys, is abundant and complete, and your committee have felt it to be a high duty to draw especial attention to the case.

The first witness in the case is Mr. J. H. Roberts, a citizen of Washington, of whose truthfulness the committee have satisfactory assurances. He swears that some time previous to the presidential election "I heard him (McGuire) say to a New York dealer in binding materials, named Griffin, that, in consequence of the anti-slavery sentiment of the northern merchants or people, he thought of going to Europe to purchase materials to fulfil a contract for binding the documents of the United States Senate," and threatened to do so in order not to support the north. He said this government would break up before long. "You will wake up some morning and read in your newspaper that the southern members have adjourned to Richmond. It will be done very quietly; no noise about it."

Henry Hardy, a clerk in the Indian bureau, testifies as follows: "I think it was the Tuesday succeeding the 19th of April that I met James C. McGuire in front of Brown's Hotel. He advanced towards me, and, flushed with exultation, asked, "What do you think of this federal government undertaking to march its myrmidons across the soil of the State of Maryland?" I answered him, ironically, that the government had no right to bring their troops across the State of Maryland, unless they could *fly over*. This was a private conversation, and I repeated it to Mr. Stephens, casually, with no expectation that any public use would ever be made of it.

In reply to questions by the committee George S. Gideon answered, on oath, as follows: "I have known him (McGuire) intimately for twenty-five years. He has expressed himself in terms that no loyal man should, in my judgment. I have heard him condemn the war, and the general course of the administration in regard to the war. I don't profess to give his words, but the impression made upon my mind, by frequent conversations with him, is, that his sympathies are with the south. I make this statement reluctantly, and because I

am compelled by the committee to state what I know of his sentiments. I have always been on terms of intimacy with him."

Mr. Cornelius Wendell, being sworn, testified, in answer to questions of the committee, that "I know him, (McGuire,) and believe him to be a loyal Union man." But that "at the breaking out of the war, judging from his conversations, he appeared to be opposed to the government using force, expressing the wish that the controversy might be peaceably settled."

Question. Did you not think that his sympathies were very strongly with the rebels?

Answer. At the commencement I thought they were.

Question. Has Mr. McGuire a son who is a partner with him in business, and what do you know of his loyalty?

Answer. He has a son named Frederick, a partner with the father. Judging from his expressions months since, I should imagine that his sympathies were with the south.

Question. You and Mr. McGuire are old, intimate friends?

Answer. We are.

The committee submit that this evidence is conclusive to the effect that Mr. McGuire is far more in sympathy with the rebel enemies of the country than with the government of the United States; and that it is as impolitic as it is unjust to loyal citizens to put the patronage of the government into the hands of men cherishing such views.

REV. F. M. M'GRATH, CHAPLAIN TO ARMY HOSPITALS.

The witness, W. E. Kennaugh, is a resident of Washington, and testifies to a conversation with McGrath some time in May last. That McGrath "spoke with much feeling upon the issues that divided the country, and said that the south in this conflict had rights, and that she would maintain them. He also spoke of the weakness of the government, and alluded to the defeat of the federal troops at Fort Sumter, and to the repulse, as he termed it, of the Massachusetts regiment at Baltimore; and concluded his remarks with the prediction that Jeff. Davis would be in possession of the government within thirty days." Witness further testifies, "that McGrath's allusion to the attack on Fort Sumter, and the Massachusetts regiment, at Baltimore, was made in such an exulting manner as to leave no doubt in the mind of witness of his strong secession sympathies." The witness states that McGrath was appointed chaplain to the hospitals of Washington, some time in the fall of 1861, as announced in schedule "A," of the President's message.

JOHN WATT, LIEUTENANT UNITED STATES ARMY.

Mr. Watt formerly occupied the position of public gardener at the President's House, under Mr. Buchanan, but a few months since was appointed 1st lieutenant in the United States army.

Lewis Clephane, postmaster of the city of Washington, testifies that John Watt, gardener at the President's House, "has the repu

tation of being in league with the secessionists; his associations are such as to lead any one to so regard him."

John Plant, an employé at the Capitol, testifies that "the associations of John Watt, gardener at the President's House, are with known secessionists, and very intimately so."

H. W. Gray, of Philadelphia, testifies that on the Sunday week following the battle of Bull Run he met John Watt, gardener at the President's House, at the St. Lawrence Hotel, in Philadelphia. Heard Watt say "that the southern confederacy must be acknowledged. That the United States never could conquer the south." He also said "that the officers of the federal army were of no account, and spoke highly of the southern officers, and said that Jeff. Davis was the best and bravest man in America." In the course of further conversation Watt said "that the federal army was composed of rubbish, and that the soldiers were cowards."

Franklin Smith, of Philadelphia, testifies to being present at the St. Lawrence Hotel, Philadelphia, when the conversation took place alluded to by the former witness. He corroborates the above statement and adds, that Watt on that occasion, "abused the federal army, saying that it was composed of rubbish, and that they were cowards." The witness further states that Watt and his companions, on the occasion alluded to, "were much elated at the result of the battle of Bull Run, and were very free in expressing their feelings."

It is proper to state, in this connexion, that more than two weeks before the appointment of Mr. Watt as a lieutenant in the army the chairman informed the President that testimony had been taken before the committee gravely impeaching the loyalty of that person, who was then acting as gardener at the White House; and, furthermore, that on the 12th day of September a copy of the evidence was enclosed, accompanied by the following note:

"WASHINGTON CITY, *September* 12, 1861.

"Mr. PRESIDENT: I herewith transmit minutes of the evidence taken before the investigating committee of the House of Representatives against Mr. Watt, the gardener at the White House, and other persons occupying positions at the White House. I do this from a sense of public duty.

"As this evidence will be laid before the House of Representatives, the committee deem it proper and respectful to submit the same to you, in order that you may take such action in the premises as in your judgment you may deem proper.

"Very respectfully,

"JOHN F. POTTER,
"*Chairman Investigating Committee.*"

The committee can only add an expression of surprise that, in the face of such testimony, a man clearly disloyal, instead of being instantly removed, should have been elevated to a higher and more responsible position.

POST OFFICE DEPARTMENT.

A letter similar to that addressed to the War Department, and dated August 22, 1861, was also sent to the Postmaster General, enclosing two lists of persons employed in his department, against whom evidence had been taken before the committee. The first list contained the names of those against whom the evidence of disloyalty is conclusive; the second, that of those against whom the evidence furnished a well-grounded suspicion of disaffection.

FIRST LIST.

Robert A. Griffin, clerk.
Solomon J. Fague, clerk.
John Spencer, clerk.
W. J. Crandall, clerk.
R. C. Page, clerk.
W. J. Darden, clerk.
D. Dunn, clerk.
B. Garretson, postmaster at Upperco, Maryland.
John Hoover, postmaster at Hampstead, Maryland.
David W. Houck, postmaster at Houck's Store, Maryland.

SECOND LIST.

Dated August 22, 1861.

John Hunter, clerk.
Richard Wallace, clerk.
Andrew Van Bussum, clerk.
Charles Kreamer, watchman.
L. S. Miller, postmaster at Glymont, Maryland.

On the 9th of October the committee furnished the Postmaster General with the following additional lists:

FIRST LIST.

John H. Mattingly, clerk.
William Slemmer, clerk.
J. V. A. Shields, clerk.
Joseph N. Gordon, clerk.
Eli Davis, watchman.
Henry Stevens, laborer.
Thomas Wisiker, laborer.

SECOND LIST.

Samuel B. Beach, clerk.

The following letter was received from the Assistant Postmaster General, dated October 16, 1861:

"POST OFFICE DEPARTMENT,
"*Appointment Office, October* 16, 1861.

"SIR: I have to acknowledge the receipt of your letter of the 9th instant, transmitting a list of persons in this department against whom testimony has been taken before the committee of investigation, and to request that you will be pleased to furnish, for the information of

the Postmaster General, the evidence taken before the committee in each case.

"I have the honor to be, &c.,

"JOHN A. KASSON,
"*First Assistant Postmaster General.*

"Hon. JOHN F. POTTER,
"*Chairman Investigating Committee.*"

Copies of testimony taken before the committee in each case were sent to the department in a letter, dated October 18, as requested.

The following letter was received from the Assistant Postmaster General in reply to the letter of the chairman, dated December 3:

POST OFFICE DEPARTMENT,
Appointment Office, December 10, 1861.

SIR: In your first communication, in behalf of the investigating committee, to this department, the following names of clerks and employés were presented to this department, with a suggestion of their removal:

FIRST.

Robert A. Griffin,
Solomon J. Fague,
John Spencer,
W. J. Crandall,
R. C. Page,
W. J. Darden,
D. Dunn,
B. Garretson, postmaster, Upperco, Maryland.
John Hoover, postmaster, Hampstead, Maryland.
David W. Houck, postmaster, Houck's Store.

And the following were suggested for inquiry:

SECOND.

John Hunter,
Richard Wallace,
Andrew Van Bussum,
Charles Kreamer, watchman,
L. S. Miller, postmaster, Glymont, Maryland.

And in your second report the following names were suggested for removal:

J. H. Mattingly,
Joseph Gordon,
William Slemmer,
J. V. A. Shields,
Eli Davis, watchman,
Henry Stevens, laborer,
Thomas Visicar, (? Wisiker.)

And the following suggested for inquiry:

SECOND LIST.

Samuel B. Beach, clerk.

1. Of the foregoing lists the following had already been, or have since been, ordered removed from service, or have resigned:

Robert A. Griffin,
John Spencer,
W. J. Darden,
Henry Stevens,

J. V. A. Shields,
John Hunter,
Andrew Van Bussum,
William Slemmer,
Charles Kreamer,
Eli Davis,
Solomon J. Fague,
W. J. Crandall,
David Dunn,
Richard Wallace,
T. C. Wisiker,
B. Garretson, postmaster at Upperco, Maryland.
David W. Houck, postmaster at Houck's Store.
John Hoover, postmaster at Hampstead, Maryland.
L. S. Miller, postmaster at Glymont, Maryland.

2. About the time of the Baltimore riot, and in the time of great alarm in this city, the Postmaster General directed the administration of the oath to support the Constitution of the United States to all clerks and employés of his department. All who declined it, or hesitated to take it, were forthwith removed from office. The more emphatic oath required by enactment of the last session of Congress was also promptly administered in August last, without exception of any officer, clerk, or employé, and the same consequence followed any refusal of that oath. In addition to such cases of removal and resignation, the Postmaster General has discontinued the services of other persons named in the report, or ordered their removal to take effect as soon as proper arrangements could be made, leaving only of the foregoing lists retained by the department the following, whose loyalty was so vouched for by members of Congress and other reliable persons as to justify their retention for further consideration:

J. N. Gordon,
Samuel B. Beach.

3. The evidence as to Messrs. Beach and Gordon did not appear to rest upon any known fact or declaration on their part sufficient to meet the testimonials for their retention. The removal of Judge Beach, however, is intended as soon as consistent with considerations of humanity.

The following are retained:

J. H. Mattingly was appointed by the present Postmaster General, who has, therefore, carefully re-examined the case, and finds his testimonials too satisfactory to allow of his removal on charges declared to be malicious by counter-witnesses.

By direction of the Postmaster General, I have the honor to submit the foregoing in reply to your communication dated the 3d instant, and remain,

With great respect, your obedient servant,

JOHN A. KASSON,
First Assistant Postmaster General.

Hon. JOHN F. POTTER,
Chairman Investigating Committee, House of Reps.

The committee have thus given the reasons assigned by the Postmaster General for retaining in office persons reported as disloyal,

and proceed to state the grounds upon which the report was made. In great caution they have, to avoid doing injustice, stricken several names from the lists furnished that officer, as well as his comments upon the cases in the above letter.

J. N. GORDON.

The witness, Jonathan Dillon, states "that he is satisfied, from what he has seen and heard, that J. N. Gordon, a clerk in the Post Office Department, is a secessionist; that he is intensely pro slavery in his opinions, claiming that slavery is a God-given institution, and that it ought to be extended and recognized, not only in all the Territories, but in all the States in the Union."

SAMUEL B. BEACH.

The witness, A. E. H. Johnson, states that he knows Mr. Samuel B. Beach, a clerk in the Post Office Department. "His wife, daughter, and son are in warm sympathy with the rebels at the present time."

JOHN H. MATTINGLY, A CLERK IN THE POST OFFICE DEPARTMENT.

A witness in this case, O. G. Abell, is a clerk in the Land Office. He states with reluctance, in consideration of his relationship to, and friendly association with the family, that Mr. Mattingly's conversation indicates strong sympathy with the rebels. Heard him speak disparagingly of our troops, and, in exaggerated terms, in favor of the rebel troops. When the oath was first tendered to him, he *hesitated a long time about taking it*, and only took it at the earnest solicitation of his friends. The witness further states that he has heard Mattingly "speak in the most contemptuous terms of the federal troops, calling them chicken thieves," &c., saying that all the stealing done in Baltimore was by federal troops. Has also heard him use expressions, in drinking, "to the health of Jeff. Davis," "to the success of Beauregard," and "to the success of the confederacy."

The next witness, John A. Miller, states that he knows John H. Mattingly, a clerk in the Post Office department, appointed by the present administration. That "his associates have been, and are yet, with those who are known to sympathize with the rebels. Witness is satisfied he is a secessionist."

The Postmaster General omits to state the grounds on which his remark is made, that the testimony against Mr. Mattingly is "declared to be malicious." The committee can only say that the principal witness, Mr. Abell, whose testimony is very explicit and positive, is also an appointee of the present administration, and that they have the assurance that he is a highly respectable man.

City Post Office, Washington, D. C.

M. VALLENTINE, CLERK.

The witness in this case, John Plant, resides in this city, and states that in conversation with M. Vallentine he said "that the south was right in this contest and that she would be successful, and he hoped she would."

L. W. WORTHINGTON, CLERK.

The witness, Amon Duvall, resides in this city, and testifies to the substance of a conversation with L. W. Worthington, in the latter part of April, 1861. Worthington said he "never had favored or supported the government, and he never would." Also said "he had no favors to ask of the government."

DEPARTMENT OF THE INTERIOR.

A letter similar to that addressed to the War and Post Office Departments, and dated August 22, 1861, was also sent to the Department of the Interior, enclosing two lists of persons employed in that department against whom evidence had been taken before the committee.

The first list contained the names of those against whom the evidence of disloyalty was conclusive; the second, that of those against whom the evidence furnished a well-grounded suspicion of disaffection.

FIRST LIST.

Dated August 22, 1861.

Samuel F. Glenn, Pension Office.
John Robb, do.
F. B. Grayson, Indian bureau.
E. W. Jones, Patent Office.
Alfred Herbert, do.
Hugh McCormick, do.
Henry King, do.
C. E. Upperman, do.
A. L. McIntyre, do.
Henry Hibbs, messenger, Pension bureau.
Benjamin Evans, Land Office.
J. H. Blake, do.
E. Brewer, do.
Owen Thorn, do.
J. Fouke, do.
Alfred Holmead, do.
Const't F. Smith, Census bureau.
William N. Keefe, messenger, Interior Department.
A. Flowers, laborer, Census bureau.

SECOND LIST.

Dated August 22, 1861.

R. T. Morsell, Land Office.
D. C. Davis, watchman, Indian bureau.

The following list of persons was reported by the Committee of Investigation in a letter to the Secretary of the Interior, dated October 9, 1861:

FIRST LIST.

Dated October 9, 1861.

G. W. Beall, Land Office.
J. H. Heath, do.
R. B. Ironsides, do.
F. A. Tschiffely, do.
J. McDuell, do.
Smith Minor, do.
——— Harrold, Indian bureau.
Michael Delaney, do.
John D. Bloor, do.
T. Jefferson Robinson do.
Lewis Bosworth, Patent Office.
Wm. S. Yeatman.
Mrs. S. Crooks, Agricul. bureau.
G. M. Howard, Census bureau.
—— Smallington, do.
Carey Gwynne, Pension Office.
Samuel McGee, watchman, Census bureau.
Henry Cassidy, watchman, Patent Office.
M. Reidy, watchman, Interior Department.
—— Faulkner, watchman, Interior Department.

SECOND LIST.

Dated October 9, 1861.

G. K. Shaw, Land Office.
Harvey Mitchell, do.
Henry F. Condict, do.
F. Orme, Census bureau.
A. J. Falls, do.
Joseph A. Kayser, do.
Ed. J. Holmead, Patent Office.
B. W. Gilliss, Land Office.
Richard Gallegher, laborer, Patent Office.
B. Frazer, laborer, Patent Office.

In reply to the committee's letter of December 3, 1861, the Secretary of the Interior responded under date of December 31, enclosing a list of persons removed from his department between the 18th of July and the date of his letter. This list includes many who were not reported by the committee as disloyal, and who, for that reason, are excluded from this report

The following names, reported as disloyal, are still retained:

Hugh McCormick, Patent Office.
Benjamin Evans, Land Office.
J. H. Blake, do.
J. Fouke, do.
A. Holmead, do.
G. W. Beall, Land Office.
Lewis Bosworth, Patent Office.
Smith Minor, Land Office.
Geo. M. Howard, Census bureau.
Carey Gwynne, Pension Office.
Harvey Mitchell, Land Office.
H. F. Condict, Land Office.
F. Orme, Census bureau.
A. J. Falls, do.
Jos. A. Kayser, Census bureau.
W. N. Keefe, messenger, Interior Department.
Charles Hibbs, messenger, Pension Office.
D. C. Davis, watchman, Indian bureau.
Samuel McGee, watchman, Census bureau.
Henry Cassiday, watchman, Patent Office.
B. Frazier, laborer, Patent Office.
Richard Gallegher, laborer, Patent Office.

In addition to the above list, charges of disloyalty have been made on oath before the committee against the following persons employed in the Interior Department:

Peter Lammond, pay-clerk, Interior Department.
William M. Irwin, clerk, Indian bureau.
J. W. De Kraft, Land Office.
——— Frear, watchman, Interior Department.

A few of the names reported by the committee, on slight testimony, merely to warn the Secretary, have been dropped from this report, in order that no injustice may be done. The same remark will apply to other departments.

HUGH M'CORMICK, PATENT OFFICE.

The witness, O. S. X. Peck, resides in this city, and is acquainted with Hugh McCormick, disbursing clerk in the Patent Office. "At the time of the attack on the Massachusetts troops, in Baltimore, witness held some conversation with McCormick concerning the same, but he would not be drawn out, but said that he (McCormick) was opposed to the use of force to preserve the Union."

H. N. Taft, formerly first assistant examiner in the Patent Office, states that "Hugh McCormick is generally regarded in the department as being in sympathy with the south in this insurrectionary movement."

In behalf of Mr. McCormick, two depositions have been received by the committee from the Department of the Interior, extracts of which are as follows:

"Amos B. Little, being sworn, testifies 'that he has known Hugh McCormick for ten years. Never heard McCormick utter a word that could be construed into sympathy with the cause of secession, or with its adherents; that the impression left upon the mind of witness, from conversation, is that McCormick always has been, and is now, a firm and consistent friend and supporter of the Union and the Constitution."

A. B. Stoughton, being sworn, says that he has known Hugh McCormick, of the Patent Office, for eight years. That since the secession of South Carolina, witness has conversed with McCormick almost every day upon the subject, its rights, and its consequences. That McCormick was always frank and decided in opposing all such rebellion. Witness always regarded McCormick as a sound Union man. Witness further states "that if McCormick can be truthfully charged with complicity or sympathy with the existing rebellion, then he would trust no one as being loyal, however high in position he may be."

The above depositions are indorsed as follows:

"I am satisfied of Mr. McCormick's loyalty.

"CALEB B. SMITH."

It will be seen that the evidence of these depositions is almost purely negative, and at any rate fails to meet the direct charge of the first witness, who swears he said "that he was opposed to the use of force to preserve the Union."

BENJAMIN EVANS, LAND OFFICE.

W. S. Graham, assistant messenger in the Land Office, testifies to the substance of a conversation with Benjamin Evans, clerk in the same office. Witness remarked "that the government would beat the rebels." Evans replied, "they are making preparations for *you*, and they will give *you* hell yet, and they will mow *you* down like grass."

J. S. Cramer, clerk in the same office, testifies that Evans is reputed to be a secessionist.

Robert Leach, clerk in the Treasury Department, testifies that he "heard Benjamin Evans, in conversation, utter strong disloyal sentiments."

Richard Kelly, clerk in the Post Office Department, testifies that he thinks Benjamin Evans is one of the most disloyal men that the government could have in its employment. Witness says "that until lately he (Evans) has been offensively bitter in his remarks against the government, and in favor of the rebels."

J. H. BLAKE, CLERK IN THE LAND OFFICE.

The witness, J. S. Poler, is a clerk in the Land Office, and heard J. H. Blake, employed in the same office, say "that the government was waging an unjust war; that its object is to subjugate the south and liberate the slaves." Witness also heard Blake's wife say, in her husband's presence, "that we had no government; that the soldiers here were northern herds sent here to free the slaves." Witness also says "that Blake was turned out of office, but afterwards reinstated."

William E. Culver, being sworn, the following questions were asked by the committee:

Question. "Did you ever hear J. H. Blake, a clerk in the Land Office, talk upon the subject of union and disunion of the States?"

Answer. "I heard him say that he was a native of North Carolina, and that his feelings were with the south."

Question. "From the frequent conversations you had with him, what conclusion did you come to with regard to his loyalty?"

Answer. "I believed he was a secessionist."

Witness also says that he has "heard Blake say lately that he was a Union man; but on what principle he cannot say."

The next witness in the case of J. H. Blake is S. S. Turner, who is also employed in the Land Office. He says that "when the Hon. Andrew Johnson made his great speech in the Senate, in favor of maintaining the Union at all hazards, he was denounced by many clerks in the department; that among others, J. H. Blake was very abusive of Senator Johnson, and said he hoped Johnson would be hung, and every other man in the south who sympathized with him."

J. FOUKE, CLERK IN THE LAND OFFICE.

G. B. Towles, a resident of Washington, testifies to a conversation with J. Fouke, clerk in the Land Office, some time prior to the inauguration. Witness says, "Fouke openly avowed himself a secessionist." On another occasion, viz, "last Monday, (the 22d of July, 1861,) witness heard Fouke say, "We have given them hell; we fight on principle," alluding to the fight of Sunday, near Manassas. Fouke also said, "The damned Yankees are fighting for pay; we for principle." The brother of witness, James Towles, was present when this conversation took place.

James Towles, being sworn, corroborates the above statement, and adds that Fouke, on the occasion above alluded to, said, "He knew they could whip them, and they could do it again." He said that "when he went to fight, he fought for principle, and not for pay, as these damned Yankees did." "That there was no use of the Yankees going down there, as they would get their damned scalps taken off."

LOUIS BOSWORTH, CLERK IN THE PATENT OFFICE.

The witness, Elias D. Young, resides in this city, and boarded in the same house with Louis Bosworth previous to the 4th of March, 1861. Witness "heard Bosworth repeatedly denounce the government for taking any steps to put down the rebellion of the south." Bosworth stated to witness "that if he was removed from office he should go south, and he had no doubt but he could get employment under the southern government." Witness further states "that Bosworth's wife and children are open secessionists."

SMITH MINOR, CLERK IN THE LAND OFFICE.

The witness, H. B. Golden, a watchman in the Treasury Department, swears that "he told me at the time of the election of delegates to the Virginia State convention that his sympathies were with the south, but that his interests, he supposed, would be in favor of the Union."

Another witness, Henry C. Stroman, a clerk in the Customs bureau, testifies that in a conversation with Smith Minor "he maintained the position that the States had a right to secede. I took issue with him, but he contended that they had that right under the Constitution, and that if the south felt herself aggrieved she had a perfect right to secede. Mr. Minor's reputation among his neighbors was that of a secessionist."

A third witness, Richard Southern, deposed before Justice Stratton, of this county and district, "that he was one of the judges of the election at Ball's precinct, the fifth district of Alexandria county, when the vote was taken for the ratification or rejection of the act of secession of the State of Virginia, and in his official capacity he recorded the vote of Smith Minor, now employed in one of the government offices, and that said vote was cast in favor of secession. So help him God."

The deposition will be published in full with the evidence.

GEORGE M. HOWARD, CLERK IN THE CENSUS BUREAU.

The witness, Joel Gurley, is a clerk in the Sixth Auditor's office. His testimony is as follows: "I know George M. Howard, an examiner in the Census bureau. I have heard him say that the war was gotten up by the present administration, and they must carry it out. He said it was an unholy war against the south; that it could have been compromised before, and could be now. * * * In speaking of our reverses he always seemed pleased, and chuckled over the success of the rebels."

CAREY GWYNNE, CLERK IN THE PENSION OFFICE.

The witness, William Reynolds, a clerk in the Interior Department, testifies that "last spring, when this city was considered in great danger from the rebels, his (Carey Gwynne's) conversations showed that he thought the rebels would take the city, and that he hoped they would. That was the general tenor of his conversation. He said the southern confederacy would have to be acknowledged, and he thought it ought to be."

The testimony of E. H. Talbot, of the Pension Office, is general, to the effect that he believes Mr. Gwynne to be a secessionist from the tone of his conversation, but that he never heard him say a word against the government.

HARVEY MITCHELL, DRAUGHTSMAN, LAND OFFICE.

The witness, C. F. Hamilton, states that "he (Mitchell) has talked sometimes favorable to the south, then again in favor of the Union." The witness further swears that the wife of Mitchell is a sister of the rebel General Johnson; that his son is in the rebel army under Johnson; and that all his family went south except himself and a son-in-law.

W. N. KEEFE, MESSENGER, INTERIOR DEPARTMENT.

The witness, James Cannon, testifies that Keefe "had made a bet with some one, I believe with Frank Colcrazer, or some such name, but I am not sure with whom, that Lincoln would not be elected. I said to him after the election, 'Well, Keefe, you have lost your bet.' He said he was able to pay all he had lost, 'but,' said he, pulling or flourishing a pistol, 'I will bet fifty dollars the black son-of-a-bitch will never be inaugurated.' "

Another witness, W. S. Graham, an assistant messenger in the Land Office, testifies that "When I have talked with him (William Keefe) about the situation of the country, he has said, 'I am a know-nothing—a still tongue makes a wise head.' The witness further states that since the 4th of March, Keefe has been promoted from a watchman to an assistant messenger in the Secretary's office."

DR. H. KING, EXAMINER IN PATENT OFFICE.

Mr. H. N. Taft, an assistant examiner in the Patent Office, testifies that he occupied the same room with Dr. King, and had heard him "converse frequently in relation to the southern rebellion. He had no doubt but that his sympathies were with the south in the matter." The witness had heard him declare himself to be opposed to the "use of force, on the part of the government of the United States, to coerce the rebels," in conversation with one Yulee, now an officer in the rebel army, and a professed secessionist before the 4th of last March. The witness adds: "Dr. King now professes to be a Union man."

DR. H. F. CONDICT, LAND OFFICE.

The only witness in this case is Mr. R. Prentice, a clerk in the General Land Office. He testifies that Dr. Condict, during last winter, was very bitter against the north, and expressed the hope "that the New England States might be set off from the Union." "His conversations showed very clearly, to my mind, that his sympathies were with the extreme southern men in their views with regard to the Union." He denounced the north and the republicans, and charged all the troubles of the country upon the north." The witness, in concluding, states: "From what I have heard him say at various times, I have considered him a disloyal man."

REV. ALFRED HOLMEAD, CLERK, LAND OFFICE.

C. B. Snow, librarian, Coast Survey bureau, testifies "that he is a member of the church of which Rev. A. Holmead is pastor; that Holmead is also a clerk in the Land Office." Witness further states that "on the 26th of May, 1861, Holmead preached from his pulpit an out-and-out secession sermon—what witness considered a very treasonable discourse. He denounced the war of the government to preserve the Union as an '*unholy war!*' and maintained that no Christian could enter it and take part in it as a soldier. He endeavored to persuade his congregation not to take part in the war, and told them he could not see how they could reconcile it to their conscience as Christians. In quoting from the communion service the words, thou shalt love the Lord thy God with all thy heart,' &c., Holmead remarked, 'How can a Christian, in view of this commandment, take part in this war, and much less so in view of the second commandment, "Thou shalt love thy neighbor as thyself?"' He argued at length in his sermon to establish his position that this was an unholy war on the part of the government. After the sermon, witness being warden and vestryman of the church, remonstrated with Holmead, and told him that if soldiers had been present, his sermon would have given great offence. He replied with much feeling, 'that his conscience should not be called in question; that he was only accountable to God for his conscience.'"

Jonathan Dillon, a member of Holmead's church, from which he

withdrew last spring, testifies "that Holmead is a bitter southern sectional man." Witness heard him say, "that no man north of Mason and Dixon's line could be trusted!" and that "from Holmead's general conversation, and the sentiments he expressed in and out of church, witness believes him to be a secessionist, and that his sympathies are with the rebels."

Judge Ezra Williams, formerly a member of Holmead's church, testifies to his general reputation, "that of being a strong sympathizer with the rebels."

Ephraim Wheeler, a respectable citizen and neighbor of Holmead's, testifies "that Holmead is generally regarded as a secessionist by his near neighbors, his sympathies being with the south in this rebellion."

Edward Lycett, also a respectable resident of Washington, testifies "that since the 4th of March, Holmead pretends to be a republican; but witness feels perfectly sure, from his knowledge of Holmead, that he is disloyal to the government, and that his entire sympathies are with the rebels."

A. J. FALLS, CLERK, CENSUS BUREAU.

The witness, Noble D. Larner, is a clerk in the Secretary's office' Interior Department, and is acquainted with A. J. Falls, clerk in the Census bureau. Witness says, "it was generally understood in the Secretary's office that Falls refused to take the oath that was tendered to the clerks on the 22d of April. He subsequently took the oath."

JOSEPH A. KAYSER, CLERK, CENSUS BUREAU.

Noble D. Larner, clerk in the Secretary's office, Interior Department, also testifies concerning Joseph A. Kayser, clerk in the Census bureau. Witness states that Kayser refused to take the oath of allegiance when it was tendered to him in the spring, 1861, and commenced packing up with the view of leaving, but was retained, and is now in the Department." Witness further states "that he finally consented to take the oath."

F. R. ORME, CLERK, CENSUS BUREAU.

The witness, Dr. Vickers Fell, a clerk in the Census bureau, is acquainted with F. Orme, a clerk in the same office. Witness states "that he had a conversation with Mr. Orme in Bloomington, Illinois, at the time the peace convention was in session in Washington; and that, on the occasion referred to, Orme said 'the south was right in this contest; that the north was wrong. That if it came to blows, he (Orme) hoped the south would succeed.' He also said 'that Virginia was right, and had always been right; and that the south ought to prevail against the north.'"

G. W. BEALL, CLERK, LAND OFFICE.

The witness, William Reynolds, jr., is a clerk in the Interior Department, and is acquainted with George W. Beall, a clerk in the

Land Office. Witness states "that when the first oath was administered to the clerks, Beall hesitated about taking it. He took till the next day to consider the subject, and, as he told witness, to counsel with his friends." Witness further states "that at that time his conversation was very unsatisfactory to loyal men, and indicated strongly that his sympathies were with the rebels." Since then he has been more non-committal. He was generally understood throughout the office as a secessionist. He was generally spoken of as such; and his reinstatement in office caused a good deal of talk and astonishment."

The next witness, S. S. Turner, is also a clerk in the Land Office, and knows of G. W. Beall, a clerk in the same office, appointed from Tennessee. "When the first oath was administered to the clerks in the department, Beall told witness that he would not take it; and remonstrated with witness, and endeavored to persuade witness not to take it." Witness further states "that Beall absented himself from the office that morning, telling witness that he would not take the oath. In the afternoon, witness met Beall on the street, and he asked witness if he had taken the oath. Witness told him he had. He then told witness that he (witness) had committed a great wrong. The next day, Beall, having consulted with some friends in the meantime, came to the office and took the oath."

Alexander Leib, clerk in the Interior Department, testifies "that when the first oath was tendered to Beall, he refused to take it; but took it a day or two after."

Counter testimony in the case of George W. Beall, a clerk in the Land Office.

1st. The sworn deposition of Geo. W. Beall, in which he says that there is no man living that ever heard him utter a disloyal sentiment; on the contrary, he is now, and always has been, for upholding the government of the United States, and has always denounced the leaders of secession. 2d. A letter from W. O. Stoddard, clerk in the same room in the Land Office with G. W. Beall, in which he says "that Beall is not in any sense, or in any meaning, a secessionist; on the contrary, he believes that there are few men more entirely safe and sound on that point." 3d. A letter from Daniel R. Goodloe, in which he affirms "that he has been acquainted with George W. Beall for about fifteen years; that he has always understood from Beall that he was a whig in politics; that Beall never seemed to take an active interest in party movements, nor knew much of them; that he never heard Beall avow a disloyal sentiment; but, on the contrary, he has invariably declared his attachment to the Union." Mr. Goodloe mentions, in particular, a conversation immediately before the election, and another between that time and the inauguration, in which Beall disclaimed sympathy with secession.

CHARLES HIBBS, MESSENGER, PENSION OFFICE.

The witness, James A. Wise, is a member of the Capitol police, and testifies "that Charles Hibbs, messenger in the Pension bureau, has

two sons in the rebel army, and from what witness knows and has heard concerning Hibbs, he has no doubt whatever that his sympathies are with the rebels."

A. R. Allen, detective police officer, testifies that Charles Hibbs has two sons in the secession army, and also two in this city, who are secessionists. Witness "had conversations with Hibbs, and has no doubt as to his position or his feelings: they are with the secessionists."

Cornelius Lent, a resident of this city, testifies "that Charles Hibbs, a messenger in the Pension Office, has two sons in the southern army. Witness carried an affidavit of a Mr. Mills, to the Secretary of the Interior, in which this fact is set forth; as also the fact that he (Mills) had reason to believe that a correspondence was kept up between Bentley, (a clerk in the Treasury Department, and reported by the committee as a secessionist,) and Hibbs's sons."

RICHARD GALLEGHER, LABORER, PATENT OFFICE.

William R. Clark, a resident of Washington, testifies that Richard Gallegher, an employé of the Interior Department, lives next door to the house in which witness boards. "Some time this summer Gallegher had a quarrel with some persons in the house where he boarded. The persons with whom Gallegher quarrelled were driven from the house. The noise drew witness to the window. After the men left, Gallegher and some other person set down on the door steps of the house, and either Gallegher or the other man with him said, 'I am in favor of secession.' 'So am I,' said the other, 'under certain circumstances.' The night was bright moonlight."

The next witness, Samuel Russell, resides in this city, and knows Richard Gallegher, of the Interior department. Witness states that "Gallegher is spoken of in the neighborhood where he resides as a secessionist."

B. FRAZIER, LABORER, PATENT OFFICE.

The witness, Benjamin B. Bell, swears that Frazier's "wife and daughters are very bitter secessionists—extremely so. Yesterday his wife was at my house, and said that Beauregard would soon take this city, and then she would be all right. She said her husband was not a Unionist, but a submissionist only—for the purpose of keeping his office to get his bread and butter." The witness says that he has never heard Frazier say "anything about our national troubles."

SAMUEL M'GEE, WATCHMAN, CENSUS BUREAU.

James A. Wise, police officer at the Capitol, testifies that Samuel McGee, watchman in the Census bureau, "ridiculed our national flag when the Rhode Island regiment had it put out from the Patent Office building. McGee ridiculed it publicly."

HENRY CASSIDY, WATCHMAN, PATENT OFFICE.

The witness in this case, John Howlett, resides in Washington, and testifies to a "conversation with Cassidy soon after the Presi-

dential election, in which he expressed very bitter feeling against the black republicans, as he called them." Cassidy also "said that Lincoln would never be inaugurated, and he hoped he would not be." Witness is "satisfied, from intercourse with Cassidy, that he is a secessionist."

D. C. DAVIS, WATCHMAN IN THE INDIAN BUREAU.

The witness, James Drane, is assistant messenger in the Indian bureau, and heard D. C. Davis, a watchman in the department, say "that Jeff. Davis was some relation of his, and that he was a big devil; and he himself would be a big devil, if he dared to be." Witness "understood him (Davis) to mean that he would take the same course that Jeff. Davis had, if he dared to."

The next witness, John Ingraham, chief messenger in the Indian bureau, states that "D. C. Davis, watchman at the northeast door of the Patent Office, belongs to the same nest" as Irwin and Delany, of the Indian bureau, testimony against whom will be found elswhere quoted.

The next witness, John H. Ballman, testifies that "D. C. Davis, watchman in the Indian bureau, has the reputation of being a secessionist." "In saying this, witness means that he has heard several persons speak of Davis as such; and witness's own opinion is that he is a secessionist."

C. E. UPPERMAN, CLERK IN THE PATENT OFFICE.

The witness, Dr. F. J. Stratton, is a clerk in the Patent Office. "Has noticed C. E. Upperman, who is a clerk in the same office, on going into his room, in close and intimate conversation with E. W. Jones, who is regarded in that division of the department as in sympathy with the rebels. On entering the room the conversation would cease." Witness "has no doubt that Jones's sympathies are with the south, from expressions used by him, nor has witness any doubt that Upperman's are in the same channel. Upperman's associates are with that class of men." Witness further states, "that when Upperman was first removed, on account of entertaining secession sympathies, he felt that a mistake might have been made, and he was then led to observe him more closely on his return to the office; but he has, with regret, come to the conclusion that the charge was true, and that Upperman is not in sympathy with our government in this struggle."

Robert O. Downer, also a clerk in the Patent Office, testifies "that Upperman was removed from office on Saturday, and on Monday restored to his position. Since then witness states that Upperman is daily visited by a class of men who have been removed from office on account of secession proclivities." Witness further states "that these men have little or nothing to say to those clerks who are known to be Union men; but they keep by themselves and converse in a low tone, or in whispers, and are silent on the approach of a Union man."

Cases not heretofore reported to the Secretary of the Interior.

PETER LAMMOND, PAY CLERK, INTERIOR DEPARTMENT.

The witness, S. J. Bowen, is now a clerk in the United States Senate, and is acquainted with Peter Lammond, disbursing clerk in the Interior Department. "In a conversation with witness, about the time of the inauguration of President Lincoln, Lammond said, 'that he was satisfied that the damned black republicans intended to make this a northern city.' Lammond further stated to witness, 'that this city belonged to the south; that he owned property here; that he owned real estate and slaves here; and before this city should go into the hands of the north, he (Lammond) would be God-damned if he would not wade in blood to his knees.'" Witness further states, "that Lammond expressed himself as bitterly hostile to the government, if it was to be administered by Lincoln."

WM. M. IRWIN, CLERK, INDIAN BUREAU.

John Ingraham, the witness, is principal messenger in the Indian bureau, and testifies to a conversation between M. Delany and Wm. M. Irwin, clerks in the same office. "Irwin said to Delany, speaking of some one who had been arrested, 'He has got out of jail.' 'How did he get out?' asked Delany. 'Oh! he took the oath and they let him go,' replied Irwin. Delany said, 'Why didn't the fool take it in the first place; it don't amount to anything?'" Witness "is confident, from the manner and conversation of Delany, that his sympathies are with the rebels;" "and has no doubt but that Irwin's sympathies are the same as Delany's."

A. H. Clark, formerly of Kentucky, being sworn, the following questions were asked by the committee:

"Question. Do you know a clerk in the Indian bureau named Wm. M. Irwin; and how long have you known him? Answer. I have known him eight or ten years. Question. In your conversations with Irwin, what did he say? Answer. The first conversation was the day after the battle of Bull Run, and the last about the 4th of October." Witness "frequently expressed sympathy with the secessionists; so did Irwin. Witness wished he was in the south; so did Irwin. Witness told him he was going south, and Irwin 'told witness to tell his friends that nine-tenths of the people here were with them in sympathy.'" Irwin also told witness "that all that kept him here, and prevented him from going south, was the unwillingness of his wife to leave, and his want of means."

"Question by the committee. What do you know of M. Delany, recently removed from the Indian bureau, and now, as it is said, clerk in the quartermaster's department, St. Louis? Answer. He (Delany) avowed himself a secessionist in conversation with Irwin and witness, and witness has no reason to doubt the fact."

J. W. DE KRAFT, CLERK, LAND OFFICE.

The witness, W. S. Graham, testifies that J. W. De Kraft, clerk in the Land Office, told him he had a son in the secession army; and that he had another son in the navy. De Kraft also told witness that "this son had written him, asking him whether he had better resign or not; and that he wrote him, in reply, to do as he pleased, and use his own judgment." Witness further testifies "that De Kraft said he had received a letter from his son at or near Manassas Junction, informing him that the surgeon he was with had joined the secession army, and he was going with him, and fight against the United States." De Kraft remarked to witness, "he has the blood in him, and he will fight like hell." Witness "has no doubt that De Kraft's whole sympathies are with the secessionists."

——— FREAR, WATCHMAN, INTERIOR DEPARTMENT.

James W. Dwyer, a clerk in the Third Auditor's office, testifies that in April last he met a stranger at the National Hotel in this city, who was talking in a loud tone of voice, and said he was just from Richmond, and that the convention had passed the ordinance of secession; and he went on to show that the southern States could sustain themselves in the independent position they had assumed, and that they would finally achieve their independence. In the month of July witness met this man again at Willard's Hotel, and he was then claiming to be a refugee from Virginia. Some one asked him if the person who helped him away from Virginia was a Union man. He replied, "He is a neutral, and that is good enough Union man for me." Witness found this same man at the west door of the Interior Department, about one month afterwards, acting in the capacity of a watchman, and on inquiry learned that his name was Frear.

C. E. MIX, CHIEF CLERK, INDIAN BUREAU.

The witness, Luther B. Brady, a clerk in the Sixth Auditor's office, testifies that "the day the first oath was administered to the clerks in the Indian bureau, I heard Grayson and C. E. Mix, the chief clerk, conversing together about taking the oath. They both said they would not take it, and they did not take it until late that day, or the day after. They had not taken it when I left the building."

STATE DEPARTMENT.

The following persons were reported to the Secretary of State as disloyal, in a letter dated August 26, 1861:

James Donaldson, messenger, State Department.
Benjamin Eggleston, laborer, State Department.
Anthony Best, watchman, State Department.

In response to the committee's letter of December 3, asking for information as to the changes which have been made in the department since the 12th of July, the Secretary answers, under date of December 6, that two removals have been made, giving the names; but as these persons were not reported by the committee, it is deemed out of place to connect them with this investigation.

In the letter of the Secretary dated July 13 he states that "all the officers of this department have taken the oath required by the second section of the act of Congress approved March 3, 1791, and those appointed previously to the 4th of March last were interrogated as to whether they considered that oath as still binding upon them, and in every instance answered in the affirmative."

ANTHONY BEST, WATCHMAN.

John Plant testified that he knew Best; that his "associations were mostly with secessionists;" and that he had heard him say "the south was bound to succeed." "He is a shy man, and careful what he says in presence of Union men;" the witness states "that he has seen enough of him and heard him say enough to make it perfectly certain to his mind that he is a strong secessionist, and that his entire sympathies are with the south in this rebellion."

Another witness, Thomas Thomas, stated that he had known the person in question for seven years, and had "never heard him say a word against the Union, nor express any sympathy with the secessionists."

J. DONALDSON, MESSENGER IN STATE DEPARTMENT.

There are several witnesses in this case. The first, J. W. Haynes, testified that he had heard Donaldson say "that he understood they intended to force the employés to take the oath again. But," he said, "I can take that well enough; it is of no account. There is no United States now."

James A. Wise stated that "his (Donaldson's) associations are almost altogether with secessionists, and, from my knowledge of him, I am perfectly satisfied he is a secessionist, and that his entire sympathies are with the rebels."

W. H. Forrest testified that Donaldson's affiliations and associations are with the class of men who are known in this city to be in sympathy with the rebels.

WILLIAM P FAHERTY,

In charge of the mails and despatches of the State Department.

Although the name of William P. Faherty is not embraced in the list of employés transmitted to the committee by the State Department on the 13th July, 1861, yet the committee have evidence of his being employed in that department, and the following is the testimony in his case:

W. Williams, a resident of Washington, testifies "to his acquaint-

Thomas Mansfield also testifies that Sanderson "expressed himself strongly in favor of the south." Witness heard him say "that the flag of Virginia would soon wave over the Capitol. He also said that if the United States could not get better troops than those over the Long Bridge, Virginia alone could furnish troops enough to whip the north." Witness further states "that Sanderson is now chief engineer of a government steamer."

JAMES LUXONA, WORKMAN, NAVY YARD.

The witness, James Brown, is employed in the navy yard, and testifies "that Luxona has the reputation of a secessionist." And Reason Pompey, a resident of the navy yard, testifies "that Luxona's associations are with the enemies of the government." Also, George Geddis testifies "that James Luxona said that 'Jeff. Davis would overthrow the republic, and that he, Luxona, would join the rebels.' "*

SAMUEL EVANS, WORKMAN, NAVY YARD.

The witness, R. Pompey, testifies "that when Fort Sumter was taken, heard S. Evans express himself in language which satisfied witness that he was a secessionist." The next witness, George W. Smith, is employed in the navy yard, and heard Samuel Evans, who is also employed in the yard, "curse the President, and say that he ought to be killed, or have his head knocked off." The next witness, Henry T. Bates, states "that Evans is still employed in the navy yard, and that he would be with the south if he thought they were the strongest. Witness heard Evans talk that way."

JOHN TUCKER, WOKMAN, NAVY YARD.

The witness in this case, James Brown, is master blacksmith in the navy yard, and testifies "that on the 22d of May, 1861, charges were preferred against Tucker to Captain Dahlgren. Captain Dahlgren requested witness, who had charge of that department, to investigate these charges and report to him. Witness did examine into the matter, and found that Tucker now has two sons in the rebel army; and came to the conclusion, from all the facts presented, that Tucker's sentiments were the same as his sons." Witness was also "satisfied that Tucker, while lieutenant of the Washington Light Infantry, did attempt to dissuade his men from taking the oath tendered to them." Witness "reported these facts to Captain Dahlgren, and recommended the discharge of Tucker, but heard nothing of the matter since, Tucker being still employed in the yard. On the 16th July, 1861, witness addressed a note to Captain Dahlgren, stating that as he (witness) was responsible for the faithful performance of the government work, he considered it proper that the changes requested by him should meet with his approval. After this, witness spoke to Captain Dahlgren, and asked him if anything

* Luxona was dismissed from the yard, but is now restored to his place as a workman.

had been done? He said that the papers were out of his hands." Witness further states "that the rules and regulations, as laid down, declare that the master workman shall have the selection of his men, with the approval of the commander."

John T. Hallock also testifies "that he was a member of the Washington Light Infantry, and that John Tucker, an employé at the navy yard, was also a member. Witness further states "that Tucker did and said all he could to dissuade men from going into the service to defend the capital of the government; and that he did dissuade many, his son among them, who, witness is informed, is now in the secession army."

ABRAHAM MYERS, WORKMAN, NAVY YARD.

The witness, George W. Sheffield. is "employed in the navy yard, but was formerly a resident of Baltimore. Abraham Myers also resided there. Soon after the attack on the troops in that city, Myers told witness 'that that attack was right; that all the troops ought to have been killed; and as to Abe Lincoln, he ought to be hung, and he would be one to help to do it.'" Myers "told witness that his sympathies were with the south." Witness further states "that he told these facts to Mr. John Smith, the master carpenter of the yard, under whom witness and Myers worked. Smith remarked 'that a man had a right to enjoy whatever opinions he chose.' Myers is still retained. Smith is generally regarded by the workmen as a rank secessionist."

EDWARD BANKS, WORKMAN, NAVY YARD.

Charles H. Wilson, an employé at the navy yard, testifies "that Edward Banks was arrested by the howitzer company for making use of secession language, and that the evidence against him was very strong, showing that he was a secessionist. But on being discharged, he went back to work in the yard, and is there now." Benedict Swain, also employed in the yard, testifies against Edward Banks. Witness says, "that Banks is employed in the gun carriage department, and that before Sumter was taken Banks said, with an oath, that he hoped Sumter would be blown up, with Anderson and all his men." Witness further says "that Banks is very open and violent in his talk in favor of the south in this rebellion."

DENNIS CALLAHAN, WORKMAN, NAVY YARD.

The witness, Charles H. Wilson, is employed at the navy yard, and testifies to the arrest of Dennis Callahan "for using secession language; that Edward Banks was arrested at the same time. That the evidence against them was very strong, showing that they were secessionists."

JOHN RICHARDSON, WORKMAN, NAVY YARD.

Benedict Swain, an employé at the yard, testifies "that John Richardson, employed in the gun carriage department, entertains the same

sentiments as Edward Banks, though he is not so violent in his expressions." Charles H. Wilson also testifies "that Richardson, Banks, and Callahan were arrested at the same time, for uttering secession language." Reason Pompey also testifies "that he heard Richardson indorse the course South Carolina had pursued, and expressed himself in favor of the south."

JAMES F. SCOTT, CLERK, NAVY DEPARTMENT.

The witness, S. A. Lawrence, is a clerk in the Patent Office, "and is acquainted with James F. Scott, a clerk in the Navy Department, as witness has been informed. In conversation with Scott about the sympathies of the citizens of Baltimore in relation to the rebellion, Scott expressed sympathy with the rebels." Witness further testifies "that Scott is generally regarded as a secessionist by those who know him."

HENRY HAMILTON, GUNNER, UNITED STATES NAVY.

The witness in this case, Charles Wilson, is a resident of Washington, but formerly resided in Richmond, Virginia. Witness states "that he knows Henry Hamilton, a gunner in the navy, under Commodore Foote, on the Missouri river. That Hamilton was brought into Norfolk on a slaver that had been captured. The trial took place at Richmond, and Hamilton being one of the slaver's crew, turned State's evidence. Witness became well acquainted with Hamilton while in Richmond, and he showed witness a letter which he intended to send to Governor Pickens, of South Carolina, applying for a commission in the southern navy. Afterwards, he told witness that he had received an answer from Governor Pickens, and that it was all right." Witness further states "that in Hamilton's letter to Governor Pickens, he told the governor that his feelings and sympathies were with him." "Some time in August, 1861, witness met Hamilton in Washington, when he informed witness that he had been appointed a gunner in the United States navy. Witness expressed his surprise at the appointment; but Hamilton told witness to 'hush, that he could always work himself in.'" At the date of this report Hamilton believed to be still employed.

JOHN SIMMONS, WORKMAN, NAVY YARD.

Robert Paggett, employed in the navy yard, testifies that "John Simmons is employed in the same place," and that he heard Simmons say "that the northern troops had gone to Virginia to drive Virginians away from their homes; that 'they went to Bull Run, and *we* made them run, and when they go again *we* will make them run again.'" Witness further states "that when Hamilton spoke of the rebels, he said '*we*,' classing himself with them." Stanly Taylor, also employed in the navy yard, testifies "that John Simmons is employed in the blacksmiths' department, and that he told witness that if it was not for his son being in the District militia, he (Simmons) would go south, for his family were with the south."

JOHN M'DERMOTT, WORKMAN, NAVY YARD.

Robert Paggett, employé of the navy yard, testifies "that McDermott has lately been employed in the same place, and has heard him express his sentiments, and is perfectly satisfied that McDermott's sympathies are with the rebels."

GEORGE GOOTRICK, WORKMAN, NAVY YARD.

The witness, James Talbert, is employed in the yard, and testifies "that George Gootrick is employed in the blacksmiths' department in the yard." Witness "heard Gootrick say, in March, 1861, that if Maryland went out of the Union, he should go with her, and he would help her." Stanly Taylor, employed in the same place, corroborates the foregoing testimony of Talbert.

D. PENDLETON, CALEB PENDLETON, ARTHUR M'NALLY, WORKMEN, NAVY YARD.

The witness, J. W. Atchison, is a watchman in the navy yard, and testifies "that D. Pendleton, chief of the refinery department, and Caleb Pendleton, workman in the rolling-mill, and Arthur McNally, also employed in the rolling-mill, gave up their places in the yard and left the city just prior to the attack on the troops in Baltimore, because, as they said, they were southern rights men, and opposed to the measures of government to suppress the rebellion." Witness further states "that these three men went to Baltimore, and some of them were there when the attack was made on the troops. The foreman of the rolling-mill, Matthew McNally, is a brother of Arthur McNally, and a relative of the Pendletons; and after these men had been absent five or six weeks, Matthew McNally went to work to get them back again in the navy yard. He succeeded in his efforts, and they are now employed in their former situations." Witness further states "that these three men rejoiced over the battle of Bull Run, and taunted the Union men about it. They manifested great joy over the reverse to our arms, and continually ridiculed the government." Witness further states "that Matthew McNally, the foreman of the rolling-mill, and who was instrumental in restoring these men to their former employments in the yard, is of the same character as these men—an out-and-out secessionist."

James Arnold, watchman in the navy yard, also testifies that D. Pendleton, Caleb Pendleton, and Arthur McNally, left the navy yard, as was understood, and went to Baltimore, because they were secessionists." Witness further states "that it was understood in the yard that these men went to Baltimore to aid the rebels; that they were gone three or four weeks, but that Matthew McNally, their relative, succeeded in getting them back, and restored them to their places. The reputation of these men, including Matthew McNally, the foreman, is that they are secessionists, and that their sympathies are with the rebels."

MATTHEW M'NALLY, FOREMAN, NAVY YARD.

The witness, Henry S. Young, resides in Washington, and testifies "that Matthew McNally is foreman of the rolling-mill in the navy yard, and that his brother, Arthur McNally, is employed under him." Witness "is satisfied, from his associations with them, that their entire sympathies are with the rebels."—(See also testimony of J. W. Atchison and James Arnold.)

WILLIAM BROOKS, WORKMAN, NAVY YARD.

J. W. Atchison, watchman in the yard, testifies that William Brooks is employed in the brass foundry as a moulder. Witness heard Brooks say that the south was right and could not be whipped; that we had no government now, and that when he (Brooks) was discharged from the yard, he could go to his State (Georgia) and get all the employment he wished. Witness further states "that Brooks took the oath that was tendered to all the employés of the yard, but said, 'damn such an oath; it don't amount to anything; we have no government now.'" James Arnold, watchman in the yard, testifies that he heard Brooks say "that there was no government now;" and Walter Evans, also employed in the yard, heard Brooks say "that though while here he (Brooks) would fight for the government, yet if he were down south, he would fight for the rebels."

—— COGEN, WORKMAN, NAVY YARD.

The same witness, J. W. Atchison, testifies that —— Cogen is employed in George Wilson's department in the navy yard; that he heard Cogen, previous to the inauguration, say "that Lincoln would never be inaugurated; that the south would blow up the Capitol; and that, if Lincoln was inaugurated, he (Cogen) would go south."

A. LANGLEY, WORKMAN, NAVY YARD.

The same witness, J. W. Atchison, testifies "that A. Langley is employed in the anchor shop in the navy yard; and that when the 71st New York regiment was stationed at the navy yard, Langley advised them to 'lay down their arms, and if they wanted to be soldiers, to go south and be white men, and not damned dogs for the government.'" Witness further states that "Langley's general conversation showed that he was a secessionist."

J. B. KNOTT, WORKMAN, NAVY YARD.

The witness, Jacob Slingerland, "heard J. B. Knott, now employed in the rolling-mill, navy yard, say that the government troops were cowards, and that he could take six hundred southern men, and take any battery that the government had erected."

JOHN D. BRANDT, CLERK, NAVY YARD.

Benedict Swain, the witness in this case, is employed at the navy yard, and testifies that John D. Brandt is clerk in the ordnance department, under Captain Dahlgren. Witness never heard him say anything to lead him to believe that he was disloyal. The next witness, Richard A. Boarman, is the foreman of the ordnance gunnery, under Captain Dahlgren. Witness states that, "if there is any man in the country who is opposed to the government and in favor of the rebels, it is John D. Brandt, a clerk under Captain Dahlgren. Previous to the fall of Fort Sumter, Brandt was very angry with witness because witness expressed his joy and satisfaction at the report that Major Anderson had fired into the city of Charleston. On this occasion Brandt said to witness, in a threatening manner, that within 30 days witness would be called upon to know which side he was on; intimating, by his language and manner, that the rebels would have possession here within that time." Witness further states "that Brandt was very bitter in his language against the government and in favor of the rebels; and that was the general tenor of his conversation until the government got so many troops here, since which time Brandt says nothing."

GEORGE HERALD, CLERK IN THE NAVY STORE.

The witness, Jacob Slingerland, testifies "that George Herald, clerk in the naval store, navy yard, was, during the spring of 1861, an outspoken secessionist." J. W. Atchison, watchman in the yard, also testifies "that George Herald is a secessionist."

JOHN HAZEL, LABORER, NAVY YARD.

The witness, Peter Bop, is employed in the yard, and testifies "that Jack Hazel told him that there was no government." "In conversation with witness, Hazel's sympathies appeared so strongly in favor of the rebels, that witness felt satisfied that if Hazel had a chance he would take up arms against the government."

PATRICK BARIETON, WORKMAN, NAVY YARD.

Jacob Slingerland testifies that Patrick Barieton is employed in the navy store, and that he was, within one or two months past, viz: June, 1861, a rank secessionist, and talked it openly, and at all times.

ANDREW BROWN, WORKMAN, NAVY YARD.

The witness, Richard A. Boarman, is the foreman of ordnance, in the navy yard, and testifies "that Brown is employed in the iron foundery, and that on the fall of Fort Sumter he was exultant, and expressed his joy openly and publicly in the yard." Witness further states "that Brown is violent in his language in denouncing the government, and in favor of the rebels."

VINCENT GATES, WORKMAN, NAVY YARD.

The witness, Wm. Brown, is employed in the navy yard, and states that Vincent Gates, employed in the rolling-mill, is considered as a secessionist. Gates is also reported to the committee as a secessionist by witness J. W. Atchison.

THOMAS HARRISON, WORKMAN, NAVY YARD.

Walter Evans, employed in the yard, testifies that Thos. Harrison is engaged in the iron foundery, and that it is generally understood by his acquaintances that he is a secessionist. Witness "heard him say, in regard to the war, that he (Harrison) would not fight;" and witness "is of opinion, from what he has seen of him, that he is not a loyal man."

B. F. ISHERWOOD, ENGINEER, UNITED STATES NAVY.

The witness (S. A. Fitch) is a clerk in the Census bureau, and boards in the same house with Isherwood. Witness testifies "that Isherwood spoke of our troops as not to be depended upon, and as though they were cowards; that when this war was over we should have a despotism; and that it would be well to make friends with the army officers, as they would then have everything their own way."

NATHAN LEWIS, MESSENGER, NAVY YARD.

The witness Charles Wilson, now a resident of Washington, but for the past fourteen months resided in Richmond; and while in Richmond, met two of Nathan Lewis's sons, and, having been previously acquainted with them, they informed witness that their father had told them "that if they did not go south and join the rebel army he would disown them, and they should never come into his house." Witness further states "that Nathan Lewis is now messenger in the navy yard."

William Hutchins also testifies that in a conversation with Nathan Lewis, messenger in the navy yard, he informed witness that he had heard from his sons, and that they were doing well. The sister of witness asked Lewis how his sons happened to go into the rebel army, and Lewis replied that they wanted to go, and that he gave them his last dollar to help them off. Witness further states "that in this same conversation Lewis said 'we had better let the southerners alone, or Uncle Sam would get whipped if he did not stop the war.'"

JOHN SMITH, MASTER BUILDER, NAVY YARD.

The witness (James Talbert) is a ship-carpenter, and employed in the yard, and Smith is the foreman of his department. "At the time of the inauguration of President Lincoln witness heard John Smith say that General Scott was an old scamp. and ought to be thrown into prison for bringing troops here." "In another conversation, in

the presence of Carey M. White and Archibald Fletcher, witness rebuked him for using this same language, and he called witness a damned villain, and threatened witness with personal violence." Witness further states "that he heard Smith say that he would not fight against the south."

CAPTAIN WILLIAM H. GARDNER, UNITED STATES NAVY.

The charges against Captain Gardner are, first, that as commandant of the navy yard at Mare Island, California, on the 8th day of July last, he compelled the workmen employed in the yard to take the oath of allegiance before a justice of the peace, named H. P. Wood, who was notoriously a secessionist, and whose house was the common resort or "home of secessionists on the Pacific coast;" and that those who remonstrated were summarily dismissed from employment. And second, that he permitted the magazine to be insufficiently guarded and secured, though located in a remote and lonely part of the island, where it might be destroyed, or its contents rifled and taken away, by an armed band of rebels, without detection or serious obstruction.

The first of these charges is sustained by numerous witnesses, whose testimony will be briefly recapitulated.

Phinehas Hudson swears that he is a shipwright, and was employed in the navy yard at Mare Island on the 8th day of July, 1861, and for some time previous to that date. "The persons employed in the yard were at that time called upon to take the oath of allegiance to the United States, and were summoned to meet at the roll-call office at one o'clock. The announcement that the oath would be administered by H. P. Wood, a justice of the peace, and a noted secessionist, created a murmur among the workmen. Many declared that they would not take the oath before him. I made the inquiry of the commandant, who was to administer the oath, but was replied to by Justice Wood, 'You will find that out directly.' The commandant inquired who that man was that asked that question. I gave my name, and he ordered me to come around into the office. I went, but he then told me, 'I don't want you here; outside, sir, outside, sir.' Afterwards, when the oath was about to be administered, witness stepped upon a stage, so that he could be seen and heard, and called to Commandant Gardner to please step to the door of his office. He came and heard me, when I stated that there was much feeling against this Justice Wood administering the oath, as he was known to be an open and avowed secessionist, and that the witnesses were on the ground to prove the fact; but if Wood would step to the door of the office, and disavow that sentiment, we would forgive him and take the oath at his hands. Commandant Gardner replied, 'We cannot have politics discussed here, sir.' I begged his pardon, and said that politics had nothing whatever to do with it. That it was a solemn religious duty we owed to God and our country, and were there to perform it, but that we did not wish to do it before Justice Wood, who is a traitor. The commandant ordered my immediate

arrest, and removal from the island, and that my name should be stricken from the roll. This order was immediately executed."

These charges and complaints having been brought to the notice of the Navy Department, an order was issued directing the commandant of the yard to inquire of the workmen as to the nature of their objections to Justice Wood, and in conformity thereto depositions were taken, copies of which have been furnished the committee by Mr. Hudson, and which will be published with the evidence. The first of these deponents, "J. L. Bolles, late magazine keeper at the United States navy yard at Mare Island," fully corroborates the evidence of Mr. Hudson, as cited above, in the accounts he gives of his own efforts on the occasion, to induce the commandant to employ a man of known loyalty to administer the oath. To a mild and respectful appeal, the commandant replied by saying, "If you don't wish to take the oath, go out of the house—go out of the house!" He assured the commandant that he had no objections to the oath, and felt it his duty to take it, but protested against having it administered by a man of known disloyalty. In consequence of this protest, he was removed from his post as keeper of the magazine, and in a day or two afterwards was forbidden the yard.

Six others, namely, John L. Dunn, A. Powell, jr., Henry Bailey, G. B. Merriam, C. B. Denio, and W. C. Root, join in a deposition fully sustaining the statements of Mr. Hudson and Mr. Bolles, and repeating the same circumstances.

Edward Longan deposes to a statement entirely similar.

Henry Hook deposes and says that on the 9th day of July, 1861, Hugh P. Woods appeared before him and took the oath of allegiance to the United States, "as recorded by me in my docket;" and that after the oath was administered, Woods said to witness, "Now I am as good a Union man as any of you, and will continue so during my continuance in office."

Henry Toothaker, an employé at the navy yard, deposes and says "that soon after the news of the fall of Fort Sumter reached here, he heard Justice Woods say that the south had borne with the north long enough, and he hoped now they (the north) would get cleaned out."

Mr. James W. Newbert deposes and says, "that a short time previous to the 8th day of July last, he heard Mr. Hugh P. Woods, late justice of the peace for Vallejo township, county aforesaid, (Solano,) in conversation say there would soon be a Pacific republic on this coast; that the north was not able to stand against the south, and in his general conversation justified the secession of the southern States."

Mr. Job J. Dean deposes to conversations with Justice H. P. Woods, in which the latter expressed himself in favor of secession; and that two or three days after, the 8th of July, when the oath was administered by Woods to the workmen in the navy yard, Woods said. "I have just taken the oath of allegiance before Squire Hook. *I was persuaded to do so by the commodore of the yard.* The men in the yard call me a secessionist." Deponent asked him if he had not

used expressions to give them reason to call him so. He answered in the affirmative.

Mr. Hudson, the witness whose testimony has already been cited, was asked the following question by the committee: "Question. Do you know what were the relations of Captain Gardner with Justice Woods? Answer. I only know that Captain Gardner's son, before his father's arrival in California, boarded at the house of Justice Woods. Young Gardner was then clerk of Austin E. Smith, late navy agent at San Francisco, and at present a rebel prisoner in Fort Lafayette. Woods's house was considered the home of secessionists on the Pacific coast."

On the second charge Mr. Hudson states, in reply to questions, that the magazine in Mare Island "is situated on the southern part of the island, some two miles from the yard, and from any human habitations except the house of the keeper. He has one assistant, a watchman. The building is substantial and fire-proof; but the entrance is guarded by a single outside door of pine, two inches thick, and coppered inside and out with thin copper sheeting. The lock is what is called a dead-lock, secured or attached to the door on the inside by four small composition screws. The door might be broken open by the slightest effort with a carpenter's chisel. Mr. Bolles, the magazine keeper, told me that it contained one hundred and fifty thousand pounds of cannon powder at that time, and that it was the largest deposit of cannon powder on the Pacific coast. I examined the door, and Mr. Bolles assured me that the window shutters were much less secure than the door. I asked him if he was aware of the insecurity of the magazine, and he said he was. He said he had called the attention of the authorities to the insecurity of the magazine, but no attention had been paid to it."

The committee draw particular attention to the testimony of Job J. Dean, who states that two or three days after the oath was administered to the workmen in the navy yard, the disloyal justice, Woods, who officiated on the occasion, said to him: "I have just taken the oath of allegiance before Squire Hook, *I was persuaded to do so by the commodore of the yard.*" When it is remembered that the workmen were forced to take the oath before this man, and that two or three were dismissed from employment for presuming to question his loyalty, it is very remarkable that the commandant should attempt to justify his arbitrary course by this after thought.

The evidence of recklessness in the superintendence of the magazine is also worthy of especial attention.

CAPTAIN BENJAMIN M. DOVE.

Mr. J. L. Henshaw, a respectable and well-known citizen of Washington, testifies that he held a conversation with Captain Dove a few days subsequent to the attack on the Massachusetts troops in Baltimore, in which "he spoke of the aggressions of the north upon the south, of the utter impracticability of subduing the south, and of the impolicy of attempting it. He spoke in palliation of the attack upon

the troops at Baltimore, and condemned the government for bringing troops through Baltimore." The witness states further that the conversation impressed him with the conviction that the sympathies of Captain Dove "were strongly with the rebels, and that he was not a loyal man." He had known the accused for thirty odd years, and their relations had always been friendly.

The second witness, Edward Garner, states that for two and a half months he was pilot on board the steamer Pocahontas, stationed off Acquia Creek, and commanded at the time by Captain Dove. His testimony, which will be published at length in the mass of evidence taken by the committee, furnishes a long and circumstantial statement of facts, which it were tedious and unnecessary to recite in the report, the purport of which, however, is to this effect: That Captain Dove kept the steamer anchored off the Maryland shore, opposite the house of a Captain Adams, a secessionist; that Captain Dove was in the habit of going ashore in the morning as early as half-past seven o'clock, and staying as late as half-past nine in the evening. He gives the names of Mr. Nally, Mr. Poser, Mr. Mason, and Mr. Mitchell, secessionists, who were in the habit of meeting Captain Dove at the house of Mr. Adams. Witness had seen them there, and heard Captain Dove speak of meeting them there. He states that Captain Dove was in the habit of taking his letters and papers ashore, and frequently sent letters and papers ashore when he did not go himself. He continues: "I have seen Captain Dove carry ammunition ashore—at one time two boxes of caps and some fixed ammunition; at another I do not know how much he had. After visiting Mr. Nally on the Maryland shore, Captain Dove came aboard and ordered witness to take the steamer to the Virginia side, about five miles below. The captain went ashore under a flag of truce, where he met and conversed with two men on horseback. The coxswain, who conveyed the captain to the land in a boat, afterwards told witness "that if what he knew was generally known, Dove would not be there long." This coxswain's name is Sherman. Captain Dove brought with him two Richmond papers. "He read aloud some of the articles in the papers, making fun of the Yankees at Bull Run battle, and laughed heartily at them." He afterwards carried these papers to the house of Mr. Adams. While the steamer was moving down the river two men with a bundle were seen on the Virginia shore in a boat. They immediately left the boat and ran up the hill on seeing the steamer. The witness suggested to the captain that "we ought to take that boat." He smiled, but made no reply. After turning a point, out of sight of the boat, the witness again said: "Captain, we are now out of sight of these fellows, and they are probably crossing the river; we might catch them now." He laughed and said: "I don't blame them for taking a contract to carry the mail. The government can't stop them." The witness states that while the battle was going on at Bull Run the batteries at Acquia creek were abandoned by the enemy, and might have been destroyed and the Page steamer burned. This was suggested by Lieutenant Nicholson, but the captain thought there were troops there, and declined to test the fact by firing a few

shots. "Whenever we had orders to leave our anchorage opposite Captain Adams's house in the night, a signal was invariably given by placing a large globe lantern in the upper window in the south end of Mr. Adams's house, to let the rebels at Acquia creek know that we had started, and which way we went, up or down." Witness states that Captain Dove received information from the hotel keeper at Point Lookout which would have enabled him to capture Colonel Thomas, "the French lady," but that he delayed pursuit until it was too late. The witness states that Captain Dove informed him that his sister's husband was in the rebel army; and Mr. Henshaw, whose evidence is briefly given above, mentions a conversation with Mrs. Young, a sister of Captain Dove, who expressed strong sympathy with the rebels.

The committee learn that these charges against Captain Dove have been the subject of investigation before a court-martial, and that the accused was acquitted and assigned to a new field of duty.

TREASURY DEPARTMENT.

The following letter was addressed to the Secretary of the Treasury, under the date it bears, with the list of disloyal employés, to which reference is made:

HOUSE OF REPRESENTATIVES,
Room of Investigating Committee, August 22, 1861.

SIR: I am directed by the committee of investigation of the House of Representatives, appointed under resolution of the House of July 8, 1861, to inform you that sufficient testimony has been taken, under oath, before the committee, to satisfy them that the following named persons, employed in your department, are disloyal to the government of the United States, and in sympathy with the attempt of the rebels to overthrow the present government. The first list embraces the names of those against whom the evidence is deemed conclusive by the committee. The second list, the names of those against whom the evidence furnishes a well grounded suspicion of their disloyalty.

Should you desire an exhibition of the testimony it will be laid before you. It is, however, voluminous, and as the investigation is still in progress, and as there are yet many witnesses to be examined, it is very probable that more testimony will be taken in relation to the cases of some of those whose names are found in the second list.

The committee have determined to present this communication at this time, and before concluding the examination of witnesses, because they believe that further delay would prove detrimental to the public service.

Most respectfully, your obedient servant,

JOHN F. POTTER, *Chairman.*

Hon. SALMON P. CHASE,
Secretary of the Treasury.

FIRST LIST.

A. H. McRea, Sixth Auditor's office.
B. S. Ashburn, Sixth Auditor's office.
T. B. Addison, Sixth Auditor's office.
J. H. Young, Sixth Auditor's office.
J. W. Bronaugh, Sixth Auditor's office.
Wm. C. Lipscomb, jr., Sixth Auditor's office.
A. B. Norris, Sixth Auditor's office.
——— Sweeney, Sixth Auditor's office, a substitute for some other clerk.
W. A. Coburn, Sixth Auditor's office.
Thomas A. Scott, Sixth Auditor's office.
R. T. Queen, Sixth Auditor's office.
W. S. Darrell, Sixth Auditor's office.
S. Y. Mason, Sixth Auditor's office.
John F. Boone, Sixth Auditor's office.
Samuel H. Janney, Third Auditor's office.
Charles Abbott, Third Auditor's office.
T. H. Kimball, Third Auditor's office.
J. P. Davidson, Third Auditor's office.
W. P. Partello, Third Auditor's office.
R. T. Mathews, Third Auditor's office.
Henry A. Olcott, Second Auditor's office.
Merritt Jordan, First Auditor's office.
Joseph Ingle, First Auditor's office.
Delay Clemens, First Auditor's office.
James M. Torbert, First Auditor's office.
W. H. Seldon, First Auditor's office.
Alexander Hall, First Auditor's office.
Isaac Williams, First Auditor's office.
J. W. Stevens, Second Comptroller's office.
James T. Clark, Second Comptroller's office.
Wm. W. Cox, messenger, Sixth Auditor's office.
Wm. H. Walker, messenger, Light-house Board.
T. McEniry, clerk, bureau treasury extension.
Stephen Clements, messenger.
Richard Stoops, messenger.
John McGready, works on treasury building.
Thomas O. Prior, works on treasury building.
James T. Adams, employed on treasury extension.
——— Kane, watchman.
Wm. Jones, watchman.
John T. King, works on treasury building.
Henry D. Cooper, master brick mason, treasury extension.

SECOND LIST.

A. McNeil, Third Auditor's office.
J. W. Amos, Sixth Auditor's office.
H. Frysinger, Sixth Auditor's office.
John W. Clark, Sixth Auditor's office.
John B. Carnes, Sixth Auditor's office.
Phillip Smith, Sixth Auditor's office.
A. F. Cunningham, Third Auditor's office.
Wm. Stump, Light-house Board.

It is proper to state that the committee, in conformity to a rule which it has adopted, has stricken from these lists certain names in cases where the evidence, upon a review, has been deemed slight or frivolous, or where satisfactory rebutting testimony has been furnished.

To this communication the Secretary responded as follows:

TREASURY DEPARTMENT,
August 26, 1861.

SIR: I have the honor to acknowledge the receipt of your communication of the 22d instant, transmitting a list of 64 employés of the Treasury Department, of whose disloyalty to the government of the United States and sympathy with the rebels "the evidence" taken before the committee of which you are chairman is "deemed conclusive;" and of 10 "against whom the evidence furnishes a well grounded suspicion of their disloyalty."

In every authenticated case of disloyalty, whether of act or sentiment, coming to my knowledge, I have promptly and unhesitatingly removed the person implicated.

Disloyalty to the Union and its government, especially while holding any position of trust under it, implies no ordinary baseness. Proof of it should stamp upon the guilty a brand of dishonor not to be effaced. I have thought it only right, therefore, to use some caution, lest I might commit the injustice of fastening that stigma upon innocent men.

Of the list submitted, twenty have either resigned or been removed, namely: A. H. McRea, B. S. Ashburn, T. B. Addison, J. H. Young, Wm. C. Lipscomb, A. B. Norris, H. Frysinger, John F. Boone, John B. Carnes, Samuel H. Janney, Charles Abbott, T. H. Kimball, J. P. Davidson, Henry A. Olcott, Wm. H. Selden, Alexander Hall, Isaac Williams, Stephen Clements, and John W. Mankin. The accompanying list will show dates of resignation or removal.

As to the others, there are letters indorsing the loyalty and faithfulness of twenty of them by republican senators and representatives.

These facts give reason to believe that the evidence taken by the committee is not absolutely reliable. Confident that they agree with me in wishing to avoid unjust censure, as well as unjust action, I respectfully ask to be furnished with the evidence before the com-

mittee, relating to the persons named who are still in office, that I may be able to form a right judgment of their respective cases.

The committee may fully rely on my disposition to exclude from the department under my charge every individual hostile to the government or disloyal to the Union.

I am, very respectfully,

S. P. CHASE,
Secretary of the Treasury.

Hon. JOHN F. POTTER,
Chairman Investigating Committee.

A copy of the evidence was promptly furnished to the Secretary, in compliance with the request contained in the foregoing letter.

It is proper to state that the mistake was made by the committee of reporting Wm. C. Lipscomb, the father, who had either resigned or been removed, when it should have been the son, Wm. C. Lipscomb, jr., who has been promoted since the 4th of March.

The chairman of the committee, under date of September 10, replied to the foregoing letter of the Secretary, as follows:

INVESTIGATING COMMITTEE ROOM,
House of Representatives, September 10, 1861.

SIR: I have the honor to acknowledge the receipt of your communication of date August 26th, post-marked August 31st, and, in compliance with your request therein contained, herewith transmit to you the testimony taken before the committee, upon the p eferred charge of disloyalty to the government, implicating certain persons in the Treasury Department, included in the number, whose names were reported to you on the 22d ultimo, and who you state are still retained in office.

In relation to those persons against whom evidence was received, who you state have already resigned or been removed, the committee would simply say, that no cases were investigated by them except of those whose names were found in the list of clerks and other employés in your department, furnished by yourself in reply to the circular letter of July 12th, and the committee can only express the nope that such resignations or removals may, in part at least, have been in anticipation of the results of their investigation.

The committee were well aware of the fact you mention, that some of those who were reported by them as disloyal had obtained letters of indorsement as loyal citizens from republican senators and representatives, but they have felt that their responsibility in the premises was in nowise diminished, but rather enhanced, by such fact; and that the members of Congress referred to would feel under especial obligation to them for counteracting the injurious consequences which might result from these letters, which, however honestly written, were given under mistake or obtained through misrepresentation, and perhaps, in some cases, yielded to the importunities of applicants or their friends. Such letters, however, they submit, should not be allowed to outweigh positive and cumulative evidence given under

the sanction of an oath, and, if false, subjecting the parties giving it to the pains and penalties of perjury; especially, too, in view of the melancholy lesson taught us by the past history of the rebellion, that deceptions, whose ingenuity has been only equalled by their baseness, have been readily practiced by those who have been most solicitous to retain office under government only to betray it, and to give aid and comfort to its enemies.

The committee have deeply felt the delicacy of the duty which has been assigned to them, and have felt burdened with the responsibilities of an inquiry into the loyalty of *any* of their fellow citizens; but they have felt too, that at a time so critical as the present, all personal considerations must give way to the paramount obligations to the country. They make no claim to infallibility; and it may be that, in spite of all the care they have sought to exercise, and with every disposition on their part to do equal and exact justice to all, some innocent person may have suffered through their action, but they are consoled by the reflection that such person should and would be patriotic enough to regard removal from office—to which no one has a claim—or even the temporary imputation of disloyalty, as his own misfortune and not the fault of the government, and as a light evil in comparison to the retention in office of some traitor who would employ the facilities and opportuities it affords him to work for the downfall of the republic.

Before closing, the committe would add that William C. Lipscomb was, by mistake, reported to you in the list of disloyal clerks, instead of William C. Lipscomb, jr., as will be seen by reference to the minutes of evidence herewith presented.

I am, respectfully,

JOHN F. POTTER,
Chairman of the Committee.

Hon. S. P. CHASE,
Secretary of the Treasury.

On the 9th of October the following additional lists of disloyal employés were reported to the Secretary of the Treasury, to which the same remarks are applicable that was made in the letter of the chairman dated August 22, 1861.

FIRST LIST.

S. Linton, Sixth Auditor's office.
J. W. McNerhany, Sixth Auditor's office.
Wm. Thumblert, Fourth Auditor's office.
Charles W. Pettit, Third Auditor's office.
Thos. Foster, messenger, Third Auditor's office.
Dr. George W. Hill, First Auditor's office.
J. D. Southard, First Comptroller's office.
H. Langtry, First Comptroller's office.
J. D. Colmesnil, Treasurer's office.
Samuel H. Cutts, Secretary's office.

Jas. C. Haviland, Secretary's office.
Geo. B. Simpson, Fifth Auditor's office.
Dr. O. Munson, Treasury Department.
F. Lueber, Coast Survey.
John Ott, jr., First Comptroller's office.
George W. L. Kidwell, Secretary's office.
George W. McGill, Treasury Department.
——— Thompson, messenger, Customs Bureau.
B. W. Hunter, watchman.
George F. Henning, workman, treasury extension.
Nelson R. Peregoy, workman, treasury extension.
——— Dougherty, foreman, treasury extension.

SECOND LIST.

Gideon Pierce, Third Auditor's office.
George H. Harvey, laborer.
Geo. W. Barry, Register's office.
C. Eaton Creecy, Secretary's office.
Chas. P. Wannall, Register's office.
V. R. King, Coast Survey.
J. H. Houston, Second Comptroller's office.
Daniel Radebaugh, Register's office.

The chairman, on the 3d day of December, addressed a letter to the Secretary of the Treasury, requesting information as to the changes in his department since the date of his previous communication on that subject, in order that the committee might be saved the necessity of making a special report on cases which had already been finally acted upon, by the removal of the parties charged; and also that a clear and succinct account might be given of the results of its labors. To this letter no answer was given; and after the lapse of several weeks the chairman again addressed the Secretary with a repetition of the respectful inquiry. At length, on the 21st instant, the chairman received from the Secretary a communication containing the desired information, accompanied with the explanation that the delay had been caused by the great pressure of public business. The lists of removals and resignations embrace the names of many persons whose loyalty has not been impeached by any testimony before the committee, and which are for that reason excluded from the report. The testimony against such as have been removed, or have resigned, will be found in the body of evidence, by reference to their names in the index. The committee deem it proper to report this testimony to the House, in order that it may go upon the public records of the country as a part of the history of the times, and as furnishing an unanswerable argument in justification of this investigation.

The cases heretofore reported, and not acted upon by the Secretary, as well as many not heretofore reported, are stated in detail below.

SAMUEL H. CUTTS, CLERK, TREASURY PROPER.

The witness, William A. Wilson, "was a resident of Virginia until after the retreat of the federal troops from Centreville. Samuel H. Cutts, clerk in the Treasury Department, was also a resident of Virginia. The first time witness had suspicion of Cutts's loyalty, was in a conversation with him, at his own house in Virginia, concerning the murder of Ellsworth, in Alexandria. Witness said to Cutts, 'that it was a most barbarous thing in Jackson killing Ellsworth.' Cutts replied 'that he thought it was right; that Ellsworth had received his reward; that he had no business to take down the flag.'" Witness replied 'that Ellsworth went there by order of the government, and that he had a right to take down a secession flag.' Cutts insisted on his first position, and said Jackson was right in killing Ellsworth. Cutts opposed the action of the government, generally, in relation to the rebellion, and witness was convinced, from the violence of his manner, that his sympathies were with the rebels." Witness further testifies "that Cutts resided at that time with his mother and sister in Virginia, and that Mrs. Cutts, the mother of S. H. Cutts, said, 'that if her son was out of office he would take up arms in favor of the south.' The whole family seemed to witness to be on the side of the rebels." See also letter from Brigadier General Hancock to Hon. S. C. Fessenden, House of Representatives, dated Camp Griffin, Virginia, January 13, 1862, in reference to Samuel H. Cutts, clerk, Treasury Department.

GEORGE B. SIMPSON, CLERK, FIFTH AUDITOR'S OFFICE.

John A. Miller, a resident of Washington, testifies "that George B. Simpson was appointed a clerk in the Treasury Department, either from Missouri, where he formerly resided, or from Washington; and that previous to the Presidential election he often expressed his sentiments to witness, which were of the most ultra southern kind, and in favor of secession and breaking up the government, if Lincoln should be elected." Witness further testifies "that Simpson boasted of his knowing of secret plans to break up the government, and said they would be put in execution if Breckinridge was not elected."

DR. O. MUNSON, CLERK, TREASURY DEPARTMENT.

The witness, Charles E. Daily, testifies "that in December last he commenced boarding with Dr. O. Munson, lately appointed a clerk in the Treasury Department." Witness "continued boarding with him until the last of June." Witness further testifies "that during that time he heard Munson argue repeatedly in favor of the right of secession. Munson also said, in case there should be a separation, he (Munson) should go with the south. He said he could go south at any time and not be interfered with." Witness further testifies "that he has heard Munson denounce the members of the cabinet in the strongest language—language which evinced the most bitter hatred—especially towards the Secretary of State." "He (Munson) said he was once

a physician in Mr. Seward's family, and he would now be glad to administer a dose to him. He did not say what kind of a dose he would like to administer, but it was not difficult to tell what he meant from his manner of saying it."

F. L. LUEBER, CLERK, COAST SURVEY.

The witness, William S. McPherson, is a clerk in the Coast Survey, Treasury Department, and testifies that F. L. Lueber is a clerk in the same office, at present on leave of absence. Witness testifies "that Lueber refused to take the oath at first, but finally did take it at the last moment." Lueber said "he had the offer of a commission as lieutenant in the rebel army, and would go and take it, if it was not for his family." Witness further testifies "that Lueber's intimate associates were secessionists, who have since joined the rebel army; that they had some place where they used to meet regularly, and on Lueber's return to the office from these meetings, he was always more violent against the government, and in favor of the rebels, than at other times."

G. W. L. KIDWELL, CLERK, SECRETARY'S OFFICE.

A. B. Johnson, a clerk in the Third Auditor's office, testifies, that G. W. L. Kidwell, a clerk in the office of the Secretary of the Treasury, was appointed from Western Virginia, and that his brother, Hon. Z. Kidwell, formerly member of Congress, is now with the rebels. Witness further testifies "that in a conversation with Kidwell, clerk in the Treasury Department, he said he believed Virginia had a right to secede, and that if she did so, he felt bound to go with her. He also said that he thought it would be impolitic for her to secede; but he believed in the right of a State to secede. This conversation was just before Virginia seceded."

GEORGE W. M'GILL, CLERK, TREASURY DEPARTMENT.

The witness, E. S. Hall, is a resident of Washington, and testifies "that George W. McGill is a clerk in the Treasury Department." Witness "met McGill at the residence of Mrs. Carusi, in Washington, and, in conversation, heard him express himself in favor of the secessionists." Witness does not remember the exact language McGill used, but testifies that he spoke against the Union. Mrs. Carusi remonstrated with McGill for using such language, and said she did not like any one to use such language in her house." Witness further testifies "that McGill declared, at the same time, that he was not a secessionist."

C. EATON CREECY, CLERK, SECRETARY'S OFFICE.

The first witness, John Hammond, is a resident of Washington, and testifies "that in May, 1861, he boarded in the same house with C. Eaton Creecy and his mother; that Mrs. Creecy and a younger son were very violent in their expressions of treasonable sentiments; and

on one occasion, A. J. Brooks, a clerk in the Interior Department, who was also boarding in the same house, remarked that he believed the rebels would be routed, and that they would run." "Mrs. Creecy said she would practice pistol shooting for Brooks's especial benefit; that if she had a pistol she would not hesitate to shoot him then." Witness further testifies "that C. Eaton Creecy, her son, sometimes made remarks in favor of the government; but witness heard Mrs. Creecy say that her son always apologized to her, when he went to her room, after making remarks in favor of the government, and said he did it because it was policy to do so." Another witness, Wm. Van Vleck, a clerk in the Post Office Department, testifies "that C. Eaton Creecy is a minor, and that his salary, as a clerk in the department, goes to the support of his mother and a younger brother." Witness further testifies "that Mrs. Creecy was insulting and abusive in her language towards northern men, while she professed great friendship for Jeff. Davis, whom she claimed as her personal friend; that she boasted that her younger son rode back to inform his uncle, in Maryland, that the Union men were coming, and to send for arms that had been secreted at the house of a Mr. May. The younger son wrote this to his mother, and she boasted of it at the public table." Another witness, A. J. Brooks, corroborates the statements made by previous witness, as to the threatening language used by Mrs. Creecy towards witness. Witness adds "that on one occasion, when Mrs. Creecy, her son, and witness were together, witness said: 'If your son takes the oath required at the Treasury Department he will have to take up arms to defend the treasury building, if attacked.' Mrs. Creecy replied: 'No, he won't; I made my son bring a copy of the oath here, and we examined it, and I find he will have to do no such thing. If that had been in the oath I would not have permitted him to take it.' Her son, C. Eaton Creecy, said 'that witness was mistaken as to the import of the oath; that he would not have to take up arms for the government.' "

CHARLES P. WANNALL, CLERK, REGISTER'S OFFICE.

The witness, Samuel Kelly, is a clerk in the Sixth Auditor's office, and testifies "that Charles P. Wannall is a clerk in the Register's office; and that since the rebellion broke out, Wannall has, in the hearing of witness, expressed sympathy with the south, saying, also, 'that the north was as much to blame as the south; that the south had rights which had been denied them by the north.' " Witness "has no confidence whatever in his loyalty as a citizen."

V. R. KING, CLERK, COAST SURVEY.

William S. McPherson, a clerk in the Coast Survey office, testifies "that V. R. King, a clerk in the same office, hesitated about taking the oath when it was first proposed to be administered to the employés of that bureau." Witness being recalled says "this was the first oath proposed by the Treasury Department, which caused so many to leave the office and go south." Witness "thinks that a man truly

loyal would not refuse to take the oath." Witness further testifies "that there was another man named King in the Survey office, a secessionist, who left and went south." Witness "heard that it was V. R. King, and from that fact some of his impressions as to his disloyalty may have originated."

Another witness, Snowden W. Robinson, is a watchman at the capitol, and testifies "that when the oath was about to be administered to the employés of the Coast Survey office, witness was talking with V. R. King on the subject. Witness does not remember the language he used on that occasion; but the impression left with witness was that King was hesitating about taking the oath, and that if it was pretty strong he would not take it. That was the position King occupied then." Witness further testifies "that some three months since he felt that there was some doubt as to V. R. King's disloyalty; but that since then he has heard him talk in favor of the government, and witness is inclined to think he is a Union man."

GEORGE W. BARRY, CLERK, REGISTER'S OFFICE.

The witness, William P. Shedd, "has resided in Washington for twenty-two years past, and is acquainted with George W. Barry, a clerk in the Register's office of the Treasury Department. Witness knew Barry in Baltimore, before he came to Washington." Witness further testifies "that Barry came to his store, and was cursing and swearing about the oath that had been tendered him. He (Barry) said he had consulted counsel, and was advised and told that it was not worth a straw." Witness "thinks Barry said he had been advised to tear up the oath and throw it into Lincoln's face." Barry also said "he would not take the oath." He said "the direct effect of the oath was to make men secessionists." He also said "that it was an outrage upon the feelings of the clerks to ask them to take such an oath." Witness further testifies "that Barry was a good deal excited; and witness is perfectly satisfied, from what he said, that he is a disloyal man."

JOHN H. HOUSTON, SECOND COMPTROLLER'S OFFICE.

The witness, William G. Finney, is a clerk in the Third Auditor's office, and testifies "that about the 18th of June he went before a board of examiners as to his qualification for a clerkship. John H. Houston, chief clerk of the Second Comptroller's office, was the chairman of the board. Houston said to witness that there was no document that he had ever seen that contained so many falsehoods and absurdities as the Declaration of Independence. Houston also said that this war was an unnatural one, and that it ought to be settled by compromise." Witness further testifies "that this conversation took place in Houston's office, and that there were two or three persons present at the time."

THOMAS FOSTER, MESSENGER, THIRD AUDITOR'S OFFICE.

John Myers, employed in the Third Auditor's office, testifies "that Foster is the chief messenger in the Third Auditor's bureau, and that

he always expresses sympathy with the secessionists, and in favor of that side when conversing with witness. Foster says that the government cannot conquer the south; and he has always been opposed to what he calls coercion. He is always talking of what the rebels will do; that they will cross over the river at such and such a point. At present, Foster thinks the rebels will not be able to reach the city; but says, they cannot be conquered; that they have better officers than we have. Foster at times professes to be a Union man, and has been careful of late as to what he says; but he sometimes speaks inadvertently, and then it is evident that his feelings are with the south. Foster thinks the war will last twenty years, and has frequently expressed himself in that way."

GEORGE F. HENNING, WORKMAN, TREASURY EXTENSION.

The first witness, Augustus Davis, is employed as a mechanic on the treasury building, and testifies that Henning is employed on the same work. Witness states "that Henning sneered at the troops when they were coming into the city, and ridiculed them; that Henning said that he believed Jeff. Davis would be able to take Washington." Witness "was impressed from his manner of saying it, that he desired it." Another witness, Thomas G. Wheeler, employed on the same building, testifies "that he has had many conversations with Henning, and is satisfied that his sympathies are entirely with the rebels."

NELSON R. PEREGOY, WORKMAN, TREASURY EXTENSION.

Joseph Bellinger, employed on the treasury extension, testifies, "that he has often heard Nelson R. Peregoy and George F. Henning, brick-masons, employed on the same building, talk in relation to this rebellion. They always take sides with the south. They say that the south will succeed; that the government can't subdue them; and that the south is right in fighting. They are always exultant and highly pleased at the success of the rebels." Witness "never heard them say anything in favor of the government. Henning was recently employed by Young, the superintendent, in place of Cooper, who was dismissed as a secessionist." Another witness, Augustus Davis, corroborates the testimony of witness in regard to Peregoy, and testifies "that Henning and Peregoy agreed in their views in relation to the rebellion." Another witness, George Suter, testifies "to having heard Henning and Peregoy talk on the subject of the rebellion, and from the general tenor of their conversation is satisfied that their sympathies are with the rebels in this contest."

DOUGHERTY, FOREMAN, TREASURY EXTENSION.

The witness, Jacob S. Carr, is a resident of Washington, and testifies "that about the time of the attack on Fort Sumter he had a conversation with one Dougherty, the boss carpenter on the treasury extension. Dougherty justified the attack on Sumter, defended the south, and expressed his sympathy with the rebels."

JOSEPH INGLE, FIRST AUDITOR'S OFFICE.

A witness, Jefferson L. Dugger, of the First Auditor's office, testifies that "Mr. Joseph Ingle, in the same office, hesitated for some time to take the oath; but finally did take it. He has been retained in office and lately promoted.

Mr. G. E. W. Sharretts, in the same office, testifies that Mr. Ingle told him "he had a son who was and is a strong secessionist; and I think he said he had one in the secession army. From various conversations which I have had with him, I have no doubt but that Ingle's sympathies are with the secessionists."

Mr. C. C. Jones, a clerk in the same office, testifies that "Mr. Ingle, I know from what he told me, would not have taken the oath except on this construction, [referring to the construction given by the chief clerk, Mr. Mahon.] He hesitated some days. He has since been promoted from a second to a third class clerkship, from $1,400 to $1,600 per year.

W. P. PARTELLO.

A witness, John A. Beatty, states that he is a clerk in the Third Auditor's office, and that "W. P. Partello, in the same office, was a secessionist, and was turned out, but has since been reinstated in his office."

G. P. Williams, a clerk in the Interior Department, swears that W. P. Partello was one of those clerks whose loyalty depended upon the retention of office.

P. H. Cooney, a clerk in the Third Auditor's office, testifies that "at the beginning of the rebellion, when South Carolina first seceded, Mr. Partello upheld South Carolina, and justified the course pursued by that State." He also justified the secession of Virginia; and when Mr. Lincoln was elected he "advocated resistance, and said the south ought not to submit to it." He nevertheless took the oaths—both the first and second.

James A. Wise swears that Mr. Partello "is a rank secessionist," and that he had heard him utter the most disloyal sentiments.

Wm. Pitt Sherman, of the same bureau, testifies that "W. P. Partello was removed on his refusal to take the oath. He told me he would not take the oath." Witness further says that Partello was reinstated.

JAMES M. TORBERT, FIRST AUDITOR'S OFFICE.

A witness, G. E. W. Sharretts, who is a clerk in the same office, testifies that Mr. Torbert uttered the most disloyal sentiments in a conversation with fellow clerks, at which witness was present, and said "before he would take the oath he would hide his head in the caves and rocks of the mountains." "He said he had a son in the Census Bureau, and he did not believe he would take the oath." Witness states that he and Mr. Torbert are not friends, and mentions the fact as an act of justice to the accused.

Chester Demming, another clerk in the same office, testifies that,

in April last, Mr. Torbert said "that the people of Maryland never would permit the abolition army to come to Washington through that State;" and that "the people of the State of Maryland would not permit any army to cross her soil for the purpose of coming to Washington." He also censured Dr. Butler, of Trinity church, for what he characterised as a misrepresentation of the rebels as to their treatment of prisoners.

JOSEPH T. CLARK, SECOND COMPTROLLER'S OFFICE.

Mr. Nelson Vorce, at the time a citizen of Alexandria county, and well known to many in Washington as a respectable man, testifies that Mr. Clark "told me, last January or February, that Virginia must raise a force to fight the government; that they would have their rights; that they would not be run upon by the north any longer."

WM. W. COX, MESSENGER, SIXTH AUDITOR'S OFFICE.

The first witness, W. T. Evans, assistant in House library, testifies that "Wm. W. Cox, principal messenger under the Sixth Auditor's department, within the past six weeks, said that it was not the question of slavery that the south was fighting for, but for the power of ruling this government; and he gloried in it, and would be the man to hang Lincoln if he could."

Another witness, G. B. Towles, a citizen of Washington, testifies that "Mr. Cox, a head messenger in the Sixth Auditor's office, had a son in the National Rifles. His son was among those who seceded and joined Beauregard's forces; he is now in the Confederate army, and an aid to General Beauregard."

Robert Leach, a clerk in the Sixth Auditor's office, regards Mr. Cox "as a loyal man."

John Sullivan, jr., knows Wm. W. Cox, messenger in Sixth Auditor's office. "Samuel Cox, son of the messenger, told me that he had a brother in the rebel army, at Manassas, and that they had a letter from him every week. Samuel resides with his father on I street, between 9th and 10th streets. He told me this, last Saturday night, September 21."

Solomon I. Fague swears that "I have talked with him (W. W. Cox) many times. The general tenor of his conversation was in favor of the secessionists. He has a son in the rebel army."

W. S. DARRELL, CLERK, SIXTH AUDITOR'S OFFICE.

A witness, John Kearns, a citizen of Washington, testifies that he resides in the neighborhood of Mr. Darrell, and that his children "are in the constant practice of expressing the strongest disunion sentiments whenever occasion offers. They openly exult at our losses, or at any disaster that befalls us. Darrell, last fall, said he would shoulder his musket, as old as he was, to fight, if Lincoln should be elected. This was before election."

N. V. Boyd, a clerk in the Sixth Auditor's office, testifies that Mr.

Darrell belongs to a class of clerks whom he had reason to believe were secessionists, "from the gratification manifested by them on the receipt of news disastrous, or in any way unfavorable to the Union cause."

WM. H. WALKER, MESSENGER, LIGHT-HOUSE BOARD.

The witness, Wm. Rutherford, a citizen of Washington, testifies that in a conversation with Wm. H. Walker relative to the division of the Methodist church, of which they are both members, "Walker said he wanted a separation of the States and of the church too. He expressed himself in favor of a dissolution of the Union on account of slavery; or because the government of the United States was not in favor of slavery."

Charles Calvert, a clerk in the War Department, testifies that Walker "said he had some objections to take the oath because there was a military feature in it." Witness further states that he never heard Walker "speak of the present rebellion or the killing of Ellsworth. He always pretended to be a Union man. From my intercourse with him I think he is lukewarm to the government, and that his professions are to conceal his real sentiments."

John B. Hines, an assisant messenger in the Patent Office, says that Mr. Walker took an active part in the effort to divide the Methodist church; and that "from my interviews with him I was satisfied that his sympathies were with the south in this rebellion." Also that other members of the church "looked upon him as a secessionist."

George T. McGlue, a watchman in the Navy Department, testifies that he is a member of the same church with Walker, and that "from his actions and his constant conversations, I have always considered him a secessionist, and have no doubt whatever that his sympathies and feelings are entirely with the rebels in this contest."

William Worth, a citizen of Washington, and a member of the same church, says "I feel that his (Walker's) loyalty cannot be depended upon, and that if the rebels should get possession of this government he would be one of them."

JOHN KANE, WATCHMAN, TREASURY DEPARTMENT.

The witness, George R. McIntyre, resides in this city, and says he boarded with Kane, and that "I have heard him use expressions showing his sympathies with the south on different occasions. I have heard his wife and daughter confess themselves to be secessionists quite frequently. Kane and his family left the boarding-house, at the request of Mrs. Martin, (who kept it,) because they were secessionists."

NICHOLAS TASTET, CLERK, SIXTH AUDITOR'S OFFICE.

The witness, Thomas Crown, resides in this city, and testifies that the family of Mr. Tastet "are all loud secessionists. They talk that way all the time. He has a son living with him, about twenty-two

years old. He, the son, was jubilant over the result at Bull Run. I never heard the father say a word for or against the Union. I live near Tastet's. He is regarded in the neighborhood as being in sympathy with the secessionists."

Edward Lycett, a citizen of Washington, testifies that he knows Mr. Tastet "well and intimately, and has talked with him frequently on the subject of this rebellion. There is no doubt whatever but that he is a rank secessionist. He never attempts to conceal his secession sentiments when talking with me. There is no doubt about his being a secessionist."

GEORGE F. WORTHINGTON, CLERK, THIRD AUDITOR'S OFFICE.

A clerk in the same office, Mr. A. B. Johnston, testifies that Mr. Worthington spoke in exultant terms of the result of the battle at Bull Run, claiming that eleven or twelve hundred federal prisoners had been taken, with about forty guns, as he had been assured by a man who was in the southern army at Manassas. He spoke of this as good news. When asked by witness why he did not have his informant arrested—"why should I," he said, "he is a very respectable citizen, and a man of position." I said "he is a rebel." He replied that "he was no more a rebel than thirty thousand others in Maryland." Subsequently when witness called his attention to the official report of our losses, showing them to be less than Mr. Worthington's informant had stated, Mr. Worthington gave the preference to the statement of his friend, but added that it made no difference to him whether the loss was "one, or one thousand prisoners taken." On another occasion Mr. Worthington read to witness an extract of a letter from his brother, as follows: "I have good news for you. Patterson, in spite of the newspapers, has been badly cut up by Johnson. The details I send you by my son." When witness expressed doubts as to the truth of this statement, Worthington insisted upon its correctness.

JOHN M'GREADY, JOHN T. KING, JAMES F. ADAMS, THOMAS O. PRIOR.

Employed as workmen on treasury extension.

The testimony against the first three of these men is very strong and decisive, showing them to be disloyal. The committee have no assurance that these men are still at work, and therefore omit to cite the testimony against them in the report, leaving it to appear in the mass of evidence.

The testimony against Prior is less conclusive, but sufficient to raise a strong suspicion of his loyalty.

BROOKE MACKALL, CLERK, FIRST COMPTROLLER'S OFFICE.

The first witness Benjamin H. Morse, boarded in the same house with Brooke Mackall, a clerk in the Treasury Department. Witness "had frequent conversations with Mackall, since September, 1861,

and in the course of his remarks Mackall said, the war was an unjust and unholy one on the part of the government."

The next witness, Charles H. Swetland, is a resident of Troy, New York, and boarded in the same house with Brooke Mackall, a clerk in the Treasury Department, some twelve days, in November, 1861. Witness "remarked to Mackall that he believed there was justice enough in this war to insure success to our arms. Mackall replied to witness, 'Justice! It is one of the most damnable and unholy wars that the world ever knew!' Both witnesses concur in opinion that the general impression with the loyal men who boarded in the same house was, that Mackall was disloyal to the government.

Another witness, Thomas W. Johnson, a resident of the city of New York, but boarding for a time in the same house with Brooke Mackall, testified that he "also heard Mackall denounce the war as unholy and unjust on the part of the government;" "and when the news of the battle of Ball's Bluff, and the death of Colonel Baker, reached this city, Mackall was exultant; and was very indignant at the capture of Mason and Slidell."

T. M'ENIRY, BUREAU OF CONSTRUCTION, TREASURY EXTENSION.

The witness, George Hartwell, is a clerk in the First Auditor's office, and testifies "to his boarding in the same house with T. McEniry, a clerk in the construction bureau of the Treasury Department." Witness "does not remember any particular expressions of McEniry's, but the general tone of his conversation was in favor of the rebels, and against the government and our troops in this contest, so much so as to satisfy witness that he was a secessionist." Witness further testifies "that McEniry's general reputation among the boarders at the house was that of a sympathizer with the rebels." Another witness, Simeon D. Moody, a clerk in the Sixth Auditor's office, is acquainted with a man named McEniry, and he thinks he is a messenger in the construction bureau of the Treasury Department. Witness "has heard McEniry, some time in May, 1861, express himself very strongly in sympathy with the secessionists." "He was foul-mouthed in his denunciations of the course pursued towards the secessionists by our government." "Witness has no doubt as to McEniry's sympathies being with the rebels."

A. M'NEIL, THIRD AUDITOR'S OFFICE.

The first witness, Dr. W. R. Hurley, is a clerk in the Sixth Auditor's office, and testifies "that he has never heard A. McNeil, clerk in the 3d Auditor's office, express disloyal sentiments; but that McNeil's wife and daughters, who are associates of witness's family, are all violent secessionists." Witness "is acquainted with many of McNeil's relations in Tennessee, and they are all secessionists."

Another witness, J. H. Yeatman, testifies "that A. McNeil resided near his residence for a long time, and that he had frequent conversations with him." "McNeil always expressed himself strongly with the south. He spoke of the wrongs of the south, and said that all

the trouble had been brought on the country by the black republicans. That the south was right, and that all his sympathies were with the south in this war."

RICHARD R. STOOPS, MESSENGER, TREASURY DEPARTMENT.

The witness, Thomas R. Ingersoll, testifies "that Richard Stoops, messenger in the Treasury Department, said, in conversation after the Presidential election, that Lincoln would never take his seat; that he would be killed on his way here; and his manner indicated that he hoped he would be killed." Witness further testifies "that he has often talked with Stoops, and that he knows him to be a secessionist, and that his sympathies are with the rebels."

AMERICAN BANK NOTE COMPANY.

The charge against this company, which has been employed by the Treasury Department to engrave treasury notes, is, that it performed a similar service for the "Confederate government." William L. Ormsby testifies that "the officers of the American Bank Note Company and the National Bank Note Company were arrested, and plates of bonds for the Southern Confederacy were seized and taken into the possession of the marshal." And further, "that to the best of my knowledge and belief the bonds of the Southern Confederacy now exhibited to me, purporting to have been engraved in New Orleans, were engraved in New York by the American Bank Note Company."

Another witness, Samuel A. Hopkins, gives evidence which it is not necessary to repeat here, going to prove that W. S. Woods, late Commissioner of Public Buildings, was interested in the American Bank Note Company, and boasted of the corrupt influences which he could bring to bear in procuring the contract for engraving treasury notes.

ATTORNEY GENERAL'S OFFICE.

A list containing the names of twenty persons holding commissions as Justices of the Peace for the city and county of Washington, and reported to the committee as disloyal, was transmitted to the Attorney General on the 26th August, 1861.

The following are the names of those against whom the evidence of disloyalty was deemed conclusive:

JOHN S. HOLLINGSHEAD, NOTARY PUBLIC.

The witness in this case, Jedediah Gittings, is a resident of Washington, and testifies "that during last spring he heard Hollingshead say 'that he was a secessionist, and he did not care who knew it.'" Witness further states "that Hollingshead talked very freely and bitterly as a secessionist. He was drunk at the time." A. R. Allen,

detective police officer, testifies "that Hollingshead told him that he was a secessionist." Benedict Milburn also testifies "that Hollingshead was nominated to the Senate as a justice of the peace, but not confirmed." Witness says "Hollingshead is a secessionist."

S. MYERS, JUSTICE OF THE PEACE.

The witness, A. R. Allen, detective police officer, testifies "that Myers rejoiced over our defeat at Bull Run, and that he has a son in the rebel army." The next witness, J. Gittings, testifies "that he told Myers to his face that he was a secessionist, and he did not deny it.". B. M. Reed also testifies "that Myers's feelings and sympathies are entirely with the secessionists." Benedict Milburn also testifies "that Myers is a magistrate in this city, and a member of the levy court. That some time since he left for the south, and has not returned. Myers is a secessionist."

JOHN D. CLARK, JUSTICE OF THE PEACE.

The witness, Joseph Williamson, has been connected with the police department for the past five years. Witness states "that in conversation with John D. Clark, a justice of the peace, he spoke very violently against the administration of President Lincoln, and also said 'he dared Lincoln to declare martial law in this city, or suspend the writ of *habeas corpus;* that if he did so, he (Clark) would show him where he stands.'" Witness is "perfectly convinced that Clark's sympathies are entirely with the secessionists, and against the government." Benedict Milburn also testifies "that John D. Clark, justice of the peace, is generally believed to be a secessionist."

F. J. MURPHY, JUSTICE OF THE PEACE.

Benedict Milburn testifies "that F. J. Murphy, another county magistrate residing in this city, is a disloyal man." A. R. Allen also says "that he is satisfied that Justice Murphy is a secessionist." Witness further testifies "that he never heard Murphy say much, only that he was opposed to this war."

A list, containing the names of thirty-seven members of the "Auxiliary Guard," reported by the committee as disloyal, was also transmitted to the Attorney General on the 26th of August, 1861.

The following are the names of those against whom the evidence of disloyalty was deemed conclusive:

HENRY S. WARD, AUXILIARY GUARD.

The witness (Joseph Williamson) has been connected with the police department for five years. Witness states "that, in June last, several of the auxiliary guard and police of this city proposed to join in a note to the editor of the Star, stating that we were good Union men. The reason for this was, the editor had attacked the police department promiscuously as secessionists. We asked Henry Ward

to join in the note. He declined to do so until he saw Mayor Berrett on the subject. He saw Berrett, who told him not to do it; but said "he would administer the oath to the guards and police that evening." Witness further states "that the oath did not, to the best of his recollection and belief, say anything about supporting the Constitution of the United States, or that we should be good and loyal citizens." John Hudson, member of the auxiliary guard, testifies that the auxiliary guard are paid by the United States government, and that from his associations with them during the past year, and from conversation, he knows many of them to be in sympathy with the secessionists. Witness names, among others, as disloyal, Henry L. Ward. "After the battle of Bull Run," witness says, "they exulted over the defeat of our troops; and it was the general remark among them that they would always whip us in the same way."

SAMUEL SPAULDING, AUXILIARY GUARD.

B. M. Reed testifies "that Samuel Spaulding, one of the guard, is unquestionably a secessionist." Witness heard him say "that if he was brought to take up arms against the south that he would throw his arms into the street." Joseph Williamson also testifies "to the disloyalty of Samuel Spaulding." John Hudson testifies "that Spaulding is a disloyal man."

JESSE MANN, AUXILIARY GUARD.

Two witnesses, Joseph Williamson and John Hudson, concur in opinion, and testify "that Jesse Mann is disloyal to the government."

F. M. BURKHEAD, AUXILIARY GUARD.

The same witnesses (Williamson and Hudson) testify that F. M. Burkhead is disloyal to the government.

R. W. DOVE, AUXILIARY GUARD.

The same witnesses (Williamson and Hudson) testify "that R. W. Dove is disloyal to the government."

WILLIAM HORNER, AUXILIARY GUARD.

The same witnesses (Williamson and Hudson) testify "that William Horner is disloyal to the government."

DANIEL WHELAN, AUXILIARY GUARD.

The same witnesses (Williamson and Hudson) testify "that Daniel Whelan is disloyal to the government."

JAMES BELT, AUXILIARY GUARD.

The same witnesses (Williamson and Hudson) testify "that James Belt is disloyal to the government."

JAMES F. EDWARDS, AUXILIARY GUARD.

The same witnesses (Williamson and Hudson) testify "that James F. Edwards is disloyal to the government."

CAPTAIN E. C. CARRINGTON, DISTRICT ATTORNEY FOR THE DISTRICT OF COLUMBIA.

The first witness, Richard M. A. Fenwick, testifies that he was a member of the military company raised in this city by E. C. Carrington, now United States district attorney for the District of Columbia; and that "when our company was ordered up the river to defend that line, Captain Carrington refused to go himself, and he told us we were under no obligations to go—that we had only taken an oath to fight *in the District.*" The witness also states that Mr. Carrington was only the nominal captain of the company, which was, in fact, commanded by the second lieutenant, Mr. Curtiss.

A second witness, N. B. Ward, testifies that he was "brevet second lieutenant in company A, Union regiment, of which Carrington was nominal captain. He delegated his power to Lieutenant Curtiss. When the company was ordered to Seneca Mills, up the Potomac, Carrington refused to go with the company. He told me he could not go out of the District of Columbia, because he could not consent to invade his native State. He said he would defend the District against Virginia or any other State, but he would not go out of the District." "I have frequently talked with him at other times on the subject, and he said the same thing to me—that he could never lift his hand against his mother—meaning Virginia." "He said he never could invade Virginia." Witness states that Captain Carrington refused to let his horses go to carry provisions to the company up the river, when they had, for two days, but twelve loaves of bread for seventy men; and that after his appointment as district attorney, which he admitted to be due to the fact that he had raised a military company, his conduct caused his men to become indignant, and that they hissed him when they were disbanded. "He drew his pay for the whole three months."

The third witness is Colonel James G. Jewell, who commanded the Union regiment, to which Captain Carrington belonged. He states that when called upon by Colonel Stone to know how many men he could carry beyond the District limits, he promised him three hundred. He afterwards conversed with his officers and men, and that all except one or two captains were ready to go. These thought business might detain them. Captain Carrington was one of the captains who expected to be detained by business. He did decline to go. He did say he would not go to Virginia to fight, but would fight if the Virginians came to the District. He gave as a reason for not going on field duty that his legal duties would detain him here, and that his mother, and friends and relatives, resided in Virginia. The colonel corroborates the statements of Lieutenant Ward and Private Fenwick, that Second Lieutenant Curtiss commanded Captain Carrington's company,

and that the latter never went into the field, even to visit his comrades; that the company complained very much, and said many hard things which witness don't desire to repeat. Colonel Jewell says that he is on very friendly terms with Captain Carrington, and gives his testimony with reluctance.

Sergeant Joseph Murphy, of Captain Carrington's company, swears that the captain refused to go out of the District of Columbia, and advised the men not to go.

Lieutenant Curtiss. the commander of the company, already alluded to, says that Carrington never went out of the District with his men when they were ordered to Seneca Mills, up the river. Witness continues: "His mother lives in Virginia. His two brothers are in the confederate army. I saw a letter which one of them wrote to him from Virginia, then in the rebel army, asking the captain to send him a sword. The captain refused to send the sword, and said in the letter 'the sword never should be drawn against his countrymen; that none but a traitor would make such a request.' The witness states that Captain Carrington never assigned to him as a reason for not going out of the District that he was not bound to go, and would not fight against Virginia; and that he never heard him dissuade his men from going.

The committee deem this testimony conclusive to the effect that Captain Carrington's sympathies are at least divided, and that such men cannot be depended upon either to repress rebellion or to defend the Constitution and laws, which he has, as district attorney, taken a solemn oath to support. They cannot believe that any man of doubtful loyalty will be permitted to hold an honorable and responsible position in the face of such testimony as this. The colonel of his regiment, a lieutenant, and a private in his company, all concur in the statements that he refused to go beyond the limits of the District of Columbia to meet the invading rebels; that he assigned as his reason for refusing that he would not invade his native State, Virginia; and two of the witnesses testify that he attempted to dissuade his men from going. No argument can be needed to enforce a charge of disloyalty or disaffection based on such testimony.

ROBERT WATERS, JAMES M'GOWAN, PATRICK WILSON, MICHAEL DUFFEE, GUARDS AT THE CITY JAIL.

The witness, A. R. Allen, a detective police officer, testifies "that the above-named persons, guards at the Washington city jail, are secessionists." Amon Duvall, one of the guards at the city jail, also testifies "that Robert Waters and James McGowan, assistant keepers at the city jail, are constantly speaking against the present administration of the government, and that they are strongly hostile to it."

JOHN H. GODDARD, JR.

James A. Wise, police officer at the Capitol, testifies "that John H. Goddard, jr., a guard at the city jail, is a secessionist, and that his associations and sympathies are all with them."

GEORGE W. PHILLIPS, DEPUTY MARSHAL.

The witness (Amon Duvall) is one of the keepers of the city jail, and testifies "that in the latter part of October, 1860, he heard George W. Phillips, the deputy United States marshal for this District, say, in the presence of a witness, 'that the election of Mr. Lincoln was or would be a sectional matter, and that the south would not and ought not to submit to it.' " Witness further states "that while he has held the position of keeper of the jail there have been several persons confined there on the charge of treason, and in relation to whom we had orders from the military authorities not to permit any visitors to see them; and, notwithstanding these orders, persons would present themselves at the jail with a permit from Mr. Phillips, deputy marshal." Witness names one instance, "where a Mrs. Berry, who is noted for her sympathy with this class of persons, received such a permit from Deputy Marshal Phillips to visit three prisoners from Alabama, who were taken with arms in their hands, fighting against the government. She visited these prisoners regularly two or three times a week, accompanied by other women; and letters were sometimes passed to these prisoners by these women, which we could not prevent." Witness further states "that he reported the matter' and was removed from his place as keeper of the jail because he did so. Colonel Lamon, United States marshal, informed witness "that his removal was owing to his incessant opposition to Deputy Marshal Phillips and his friends." "Witness asked Marshal Lamon who he meant by his friends?" "Lamon named James G. Berrett, William H. Ward, John Van Reswick, and John E. Norris." Witness replied "that the last-named gentleman had written a letter, in which he said he did not know what to do; whether to remain here or go back to Virginia and join the confederacy." Also, "that William H. Ward (named by Lamon as his friend) had, in the presence of witness, exulted over the result of the Bull Run fight, and said 'the south never could be whipped!' " "Marshal Lamon replied, 'Well, Mr. Duvall, who was I to go to? I came here a stranger, and these gentlemen stood as high as you and your friends?' " Witness further states "that Marshal Phillips is the intimate friend and associate of the men named by Marshal Lamon." Another witness, George H. Fayman, is one of the guards at the city jail, and testifies "that the general orders at the jail were, 'not to permit any one to visit the prisoners confined there; but there appeared to be no difficulty in people getting in to see them through a pass from Mr. Phillips, the deputy marshal. In this way many persons often visited the prisoners confined there, and who were understood to be secessionists. Mayor Berrett, John Van Reswick, and J. Carlisle, took an active part in favor of the prisoners, trying to impress the authorities with a belief in their innocence. These gentlemen appeared to be able to get access to the prisoners at any time, through a permit from deputy marshal Phillips, who seemed to entertain the same feeling and sympathy for the prisoners as themselves." Witness further states that

he was summoned before the committee, and came with great reluctance; but that what he has stated are his honest convictions with regard to Phillips.

JAMES WISE, CLERK UNITED STATES MARSHAL'S OFFICE.

The witness (Lewis Clephane, postmaster, Washington, D. C.) "testifies to his acquaintance with Ward H. Lamon, United States marshal for the District of Columbia, and states that he has been informed that Lamon has recently appointed James Wise clerk in his office, in place of Mr. Minor, removed." Witness further testifies "that James Wise was a member of a band of men known as the 'National Volunteers,' in this city; that Wise was one of those who attacked the republican rooms in this city on the night of the 6th November, 1860, at which time the rooms were gutted and much property destroyed. Dr. Boyle, of Washington, now an officer in the rebel army, was the president of the National Volunteers. It was a secession organization, and of a military character. Its chief object was to prevent the inauguration of President Lincoln by force."

JAMES MOORE, MESSENGER UNITED STATES SUPREME COURT.

The witness (Samuel Davis) is a clerk in the Census bureau, and testifies "to his acquaintance with James Moore, messenger Supreme Court." Witness "conversed with Moore, and heard his conversation with others, on the subject of the rebellion; and, from his manner and language, is of opinion that Moore's entire sympathies are with the rebels." Horace Hamlin, a clerk in the Census office, also testifies "to his acquaintance with James Moore, messenger, &c., having boarded with him from March to the last of June, 1861." Witness "heard Moore talk a good deal in that time, and thinks his sympathies are against the government, he having so expressed himself in conversation at various times."

WILLIAM WERDEN, METROPOLITAN POLICE.

The witness (John S. Sheets) swears that William Werden, lately appointed one of the new metropolitan police, "used to talk a good deal in favor of the south and secession; but he owned a few negroes, and I feel confident that such expressions were the result of his belief that the republican government would take away his negroes. When he became convinced that he was wrong in that belief he professed to be a Union man, and I am satisfied that he really is so."

William Slater testifies that "he (Werden) admits that his sympathies are with the south. Speaking of the rebellion, he said he did not aid to originate it, and he would not aid to put it down. I have been very intimate with him."

PRESIDENT'S HOUSE.

The following employés of the President's House have been reported by the committee as disloyal:

Thomas Stackpole, messenger.
John Watt, gardener.
——— Edwards, assistant messenger.
Thomas Burns, doorkeeper.

The following is an extract of testimony sworn to before the committee in the above cases:

THOMAS STACKPOLE, MESSENGER.

The first witness, Lewis Clephane, postmaster of Washington, D. C., testifies "that Stackpole is the private messenger in the President's House; that Stackpole, John Watt, gardener, and Bill Spaulding, (the latter now engaged in painting the President's House,) are generally regarded in this community as secessionists and as disloyal men." Witness says, "that it is the common speech of people—particularly with reference to Stackpole and Spaulding." Witness further states "that Stackpole's name was frequently mentioned as being one of those who were engaged in the attack on the republican headquarters in this city in November, 1860." Witness further says, "that Stackpole's associations are with the secessionists."

The next witness, John Plant, Capitol police, testifies "that he knows Stackpole to be a very rank, bitter secessionist, and a dangerous man in the place he occupies." That "Stackpole is an intimate associate and confidant of Bill Spaulding, who is regarded as one of the most bitter secessionists in the city."

The next witness, R. May, "has a sister living at Bayly's Cross Roads, Fairfax county, Virginia, who is a secessionist. She frequently comes to Washington, and told witness that she would carry any information to Manassas she could get. While in Washington, witness' sister stops at the house of one William Brown, a master plasterer. Bill Spaulding and his partner, S. Parker, who are secessionists, congregate together at Brown's house, and Stackpole is frequently with them." On one occasion witness "saw Parker and Stackpole in conversation, and heard Stackpole say, 'when we go down there, and tell them what we know, they will be all right.'" Witness says "that they were then speaking about going down to Bayly's Cross Roads." Witness "has no doubt but that his sister received information from these parties, which was important to the rebels." Another witness, Columbus Shields, says he "never heard any one deny that Spaulding was a secessionist, and that Stackpole is intimate with him, and frequently at his house."

Another witness, John W. Haynes, belonged to Captain Kelly's company of District volunteers, and was on guard at the President's House for nearly two months. On Saturday night, in April, when there was a general apprehension of an attack by the rebels on the city, witness was on guard at the President's House. Witness noticed

many times during that night that Stackpole, messenger in the President's House, came out, and passed through the little gate on the side into the street, and appeared to be in conversation with some person. The first time he came out was immediately after Cassius M. Clay had gone in, and witness then saw that the person Stackpole was conversing with was Bill Spaulding, a noted secessionist, residing in this city. Witness further testifies that Stackpole came out from the President's House nearly every time that any one passed in, to make report of the situation of matters inside. Stackpole had the countersign, and witness had to let him pass out and in. Witness thinks Stackpole passed out and in at least eight times during that night. In one instance, witness said to Stackpole, "if Jeff. Davis comes here to-night I will put a pill through you." Stackpole replied, "you would not do that, would you?"

Another witness, D. W. Heath, testifies to a conversation with Stackpole, in which he said "that he was still a Breckinridge democrat, and that they couldn't get along without him at the President's House."

JOHN WATT, GARDENER, PRESIDENT'S HOUSE.

(See testimony under the head of War Department.)

——— EDWARDS, MESSENGER, PRESIDENT'S HOUSE.

The witness, Charles F. Anderson, testifies "that immediately after the troops took possession of Alexandria, he heard Edwards talking with two men at the President's House, and who were complaining of the troops going to that city. Edwards told them that it was wrong to send the troops over there; that it all came from the black republican abolitionists of the north; and that it was a misfortune that they ever had anything to do with the government. One of these men replied to Edwards and said, 'never mind, Jeff. Davis will be in power here within three months.' Edwards answered him, 'the sooner the better.' Witness further states that Edwards declared 'that Jeff. Davis was the finest man that ever was in the White House.' 'He told these men that Mr. and Mrs. Lincoln were low, mean people, and that they did not know how to act as gentlemen and ladies; that they were not to be compared with their predecessors, and that he hoped they would not be long troubled with them.' "

THOMAS BURNS, DOORKEEPER, PRESIDENT'S HOUSE.

The same witness, Charles F. Anderson, also testifies "that in the conversation alluded to in the case of Edwards, an Irishman, named Burns, was present, and joined in the conversation, and seemed to agree with all they said. His manner and expression of countenance strongly indicated that he agreed with them in their sentiments." Witness further states "that Burns is a messenger or doorkeeper in the President's House."

CAPITOL EMPLOYEES.

The following names have been reported by the committee as disloyal:

William R. Bradford, clerk in the Senate.
Edward Kershaw, laborer in the Senate.
William Kesley, page in the Senate.
——— Holton, employed in the Senate.
William Clements, fireman, Capitol.
——— McLain, folding-room, House of Representatives.
Daniel Whaling, watchman.
Edward Dunn, engineer, Capitol.
Wesley Adams, fireman, Capitol.
Aquilla Arnold, police, Capitol.
Joseph Ward, watchman, hall House of Representatives.
Isaac Entwistle, chief engineer.
Thomas Hunt, fireman.

And the following persons, included in the above list, are still retained, viz:

William Clements, fireman.
——— McLain, folding-room, House of Representatives.
Edward Kershaw, laborer in the Senate.
Joseph Ward, watchman, hall of House of Representatives.

The following is an extract of testimony, sworn to before the committee, in these cases:

WILLIAM CLEMENTS, FIREMAN, CAPITOL.

The witness (M. P. Swain) is a neighbor of Clements, employed in the Capitol as a fireman. Witness heard Clements say "that the south was justifiable in taking the stand they did against the government, and that the government would not succeed against the southern confederacy." Witness further states "that Clements expressed the desire that the southern confederacy should succeed." Charles Jarrett, also, testifies "that he heard William Clements, a fireman at the Capitol, on the Senate side, say that 'he had not taken the oath, neither would he.' This was said on the 2d July, 1861." William Clements, being sworn, testifies "that he is fireman in the Senate; has been there one year; has never taken the oath, and is a native of Maryland." Clements further says "that he supports the present government, and is willing to be sworn in." And, further, "that he has a brother in the southern army."

——— M'LAIN, FOLDING-ROOM.

The witness (James L. Brian) testifies that he heard ——— McLain, engaged in the folding-room of the House of Representatives, say "that he hoped the rebels would take this city, and blow up the

Capitol!" John T. Brian also testifies "that he heard McLain say, some time in July, 1861, that he hoped the rebels would take this city, and blow up the Capitol;" and also said "that the Union troops were a set of cowards."

EDWARD KERSHAW, LABORER IN THE SENATE.

On the 11th of December the chairman of the committee reported this person to the Sergean-at-arms of the Senate as disloyal, styling him, by mistake, a page. To this communication that officer replied that no such person as Edward Kershaw was employed under him as a page. The committee have since been informed that Kershaw is employed as a laborer by the Sergeant-at-arms. The evidence against him is as follows:

The witness (George Geddes,) being sworn, testifies that he heard Edward Kershaw, employed in the Senate, say, on the 1st July, 1861, "the Capitol is done for!! My place now is Columbia, South Carolina!"

JOSEPH WARD, WATCHMAN, HALL OF HOUSE OF REPRESENTATIVES.

The witness, D. W. Heath, is a resident of Washington, and testifies to his acquaintance with Joseph Ward, employed in some position about the Capitol. In a conversation with Ward, during the past summer, on the subject of the rebellion, he stated to witness "that Kentucky would secede, and he was with her." Ward further stated "that Kentucky was his State, and he owed his first allegiance to her." "He spoke decidedly in favor of the secession of Kentucky." Witness further states "that, in addition to his salary as a watchman in the Capitol, Ward is also drawing a pension from the government, and that his wife is a violent secessionist."

COMMISSIONER OF PUBLIC BUILDINGS.

CHARLES CUMBERLAND, DRAW-KEEPER AT THE LONG BRIDGE.

The witness, William J. Codrick, is employed as a guard at the penitentiary, and testifies that Charles Cumberland, draw-keeper, is a near neighbor of his, and that he knows him and his family well. Witness never heard Cumberland express any disloyal sentiments; but his wife and sons (with the exception of one son) are strong out-and-out secessionists, and in full sympathy with the rebels. Cumberland's wife told witness "that her husband was too honest a man to hold office under a black republican administration." "The family are exceedingly abusive of the present administration." Witness further states "that Cumberland was turned out by Commissioner Wood, and afterwards restored to his place as draw-keeper by Commissioner B. B. French."

BAILY BROWN, KEEPER OF BENNING'S BRIDGE.

The witness, M. P. Swain, testifies that he heard Baily Brown, keeper of Benning's bridge, say "that his sympathies and feelings were with the south in this contest." "Brown told witness not to say anything against the south, as there would be trouble." The next witness, Charles Suskey, testifies "that Baily Brown was removed from his office by Commissioner Wood, and afterwards reinstated by B. B. French, the present Commissioner." "In the month of September, 1860, witness was down at the bridge and conversed with Brown. Brown said, in conversation, 'that he was a southern-rights man, and that if Abe Lincoln, or any other damned black republican, was elected President he would never serve under him, and that in case of war between the north and south he (Brown) would be found fighting on the side of the south.'" Another witness, John B. Nally, testifies to being present during the conversation alluded to by the former witness, (Suskey,) and that, in the course of his remarks, Brown also said "that in the day of the great battle between the north and the south he (Brown) would be found fighting, with his musket on his shoulder, in defence of the south."

The similarity of these cases is remarkable, and the numerous coincidents amusingly singular. First, the parties charged with disloyalty are draw-keepers on the bridges which lead into the city from Virginia and Maryland. Prior to the inauguration of the present administration they were, perhaps without knowing each other, imbued by a common sentiment of disgust at the thought of holding office under "black republicans." They afterwards displayed a common mutability of purpose by holding on to their offices until they were dismissed by Commissioner Wood, who put loyal men in their places; and they have shared a similar good fortune in being restored by Commissioner French. These parallels are the more singular from the fact that the testimony in the two cases is given by different witnesses, with no apparent marks of collusion.

GOVERNMENT PRINTING OFFICE.

The following names were reported to J. D. Defrees, Superintendent of Public Printing, October 9, 1861:

James English, foreman.
Wm. H. H. Towers, compositor.
Wm. Towers, chief clerk.
Edwin Towers.
Harrison Arnold, compositor.
Robert Penman, compositor.
Francis Reading, compositor.
George McNeir, compositor.
James King, foreman, press-room.

JAMES ENGLISH, FOREMAN.

The witness, Eugene O'Connor, is a brother-in-law of James English, foreman of the Government Printing Office. Witness testifies "that he heard English say, in front of St. Aloysius Catholic Church, in this city, to a crowd about him, 'that Abe Lincoln and all his followers would have to pick up stakes and leave here after a while.'" Witness further testifies "that English is an out-and-out secessionist; and that although some difficulty has occurred between them in relation to family affairs, yet witness would not harm English if he did not think he was at fault." Another witness, George Gordon, who is employed in the same office with English, testifies "that he has heard English express himself as a Union man; and that he has never heard him say anything about the government in relation to the war; and never heard him say anything in relation to the course pursued by the rebels." Another witness, Wm. E. Nott, testifies "that English is a decided strong Union man; and that he has never heard him charged as entertaining secession sentiments."

WM. H. H. TOWERS, COMPOSITOR.

The first witness, George Cochran, is employed in the Government Printing Office, and testifies "that W. H. H. Towers is a compositor in the same office." Witness further testifies "that he has heard Towers express himself violently and strongly in favor of the rebels, and against the government; that Towers took the oath, but said that the first oath was extrajudicial, and not binding; and that he considered the last one, prescribed by Congress, as no more binding." Witness further states "that Towers has two brothers in the rebel army." Another witness, Wm. Flemming, also employed in the same office, testifies "that W. H. H. Towers told him that his sympathies were with the south in this rebellion." Witness further states "that when the oath was first tendered to the employés in the office Towers said he would not take it. He put on his coat and left. The next day he came back and said his family would suffer if he did not take the oath." Witness further testifies "that Towers has two brothers in the rebel army, and that they went from this city during the summer, and that one of them was employed in the Government Printing Office at the time he went south." Another witness, F. J. Waters, also employed in the same office, testifies "that W. H. H. Towers refused to take the oath at first. He said he would not take it. The next day, after talking with his father, Wm. Towers, he said he should take the oath, as it did not amount to anything." Witness further testifies that Towers said, "that if Beauregard came here and took the city, he would release him (Towers) from the obligation of the oath." Wm. E. Nott, employed in the same office, corroborates the testimony of the other witnesses as to the refusal of Towers to take the oath, and adds that Towers said "he owed no allegiance to the United States." Charles W. Schell also testifies that he "heard

W. H. H. Towers say, that if Virginia seceded, he would shoulder his musket and go and fight for the south."

WM. TOWERS, CHIEF CLERK.

The same witness, George Cochran, testifies "that William Towers (the father of W. H. H. Towers) is chief clerk in the printing bureau." Witness has been informed "that Towers and his son keep up a correspondence with the two sons in the rebel army," "and has no doubt but that William Towers's sympathies are entirely with the rebels in this contest." William Flemming also testifies "that Wm. Towers has two sons in the rebel army." Witness "does not know whether they went there with their father's approbation." Charles W. Schell also testifies "that he is satisfied that William Towers, chief clerk printing bureau, is a secessionist in feeling and sympathy." "That he has two sons in the rebel army; and that whenever any news is received of reverses to our arms he (William Towers) shows by his conduct and manner that he is elated and rejoiced at it." F. J. Waters, employed in the same office, corroborates the testimony of Schell. Wm. E. Nott, employed in the same office, testifies "that it is the common impression in the office that William Towers, the chief clerk, is in sympathy with the secessionists."

John S. Williams, a clerk in the office of Superintendent of Public Printing, testifies "that he believes William Towers, chief clerk in the same office, to be a loyal man." Witness "never heard Towers say anything which indicated that he was disloyal." Witness further testifies, "that Towers has two sons supposed to be in the rebel army, and that he hears from them occasionally." Witness "has heard Towers express regret that his sons were in the rebel army." "Has frequently heard Towers say that the government should and ought to take all means to sustain itself; and that the south had everything to lose and nothing to gain in this contest."

EDWIN TOWERS.

Charles W. Schell, employed in the Government Printing Office, testifies "that Edwin Towers (a brother of Wm. Towers, chief clerk in the same office) has the waste paper of the establishment, amounting to from one to two thousand dollars per annum. That Edwin Towers's reputation is that of a secessionist; and witness has no doubt but that is his true character, judging from what he has seen of him and heard him say."

Wm. E. Nott also testifies "that Edwin Towers is a strong secessionist." "On one occasion he was in the office talking with his nephew about the federal troops, and was disparaging them; on which occasion he said, 'If Beauregard catches the sons of bitches out of their lines he will thrash them.' This was before the battle of Bull Run." Witness further says "that Edwin Towers was at one time quartermaster of one of the city regiments, and that he has also had several contracts for paper for the government."

HARRISON ARNOLD, COMPOSITOR.

The witness, William Flemming, employed in the same office, testifies "that Harrison Arnold is an intimate associate of W. H. H. Towers, and that both of these men are employed in the Government Printing Office." Witness is "satisfied that Arnold and Towers entertain the same views and feelings in regard to the rebellion."

GEORGE M'NEIR, COMPOSITOR.

The witness, F. J. Waters, is employed in the same office with George McNeir, and testifies "that after the battle of Bull Run, McNeir told witness that he was in favor of acknowledging the independence of the southern confederacy, and that it ought to be done." William E. Nott also testifies "that McNeir served three months in the District militia; but that he frequently argued in favor of the recognition of the southern confederacy, and has expressed himself bitterly against the policy of the government in relation to the war. His argument was, 'that the States having seceded, the government was destroyed; and that the attempt of the government to sustain itself by force of arms is an act of tyranny and despotism.' "

ROBERT PENMAN AND FRANCIS READING, COMPOSITORS.

The witness, Charles W. Schell, is employed in the Government Printing Office, and testifies "that Robert Penman and Francis Reading, employed in the same office, speak lightly of our troops, and indicate, from their general conversation, that their sympathies are with the rebels." Witness further testifies "that they are both British subjects, and not citizens of the United States." F. J. Waters also testifies "that Penman and Reading ridicule the government and our troops, and show, by their conduct, that their sympathies are with the rebels." Another witness, (Lieut. John W. Jones, 12th infantry, United States army,) who boarded in the same house with Francis Reading, now employed in the Government Printing Office, testifies "that Reading frequently said, in his presence, 'that he was sorry that Lincoln did not have his damned throat cut when he came through Baltimore.' Reading also said 'that Lincoln never would be inaugurated; that Jeff. Davis would drive him out of Washington in less than thirty days, and he (Reading) hoped to God he would.' When Reading was told that he would have to take the oath of allegiance to this government, in order to hold his place, he said 'that the oath did not amount to anything, for the government was already broken up.' "

JAMES KING, FOREMAN, PRESS-ROOM.

George Gordon, recalled by the committee, testifies "that on Monday following the battle of Bull Run, Mr. Defrees came into the office, and told me that our troops were falling back on Washington, and that Beauregard was following them in force, and approaching

Washington. Mr. King, the foreman of the press-room, said (after Defrees left) 'that he was damned glad; that the damned Yankees would get whipped.' He (King) said 'he would sooner the southern people should have possession of this city than the northern people.' He also said 'we would have a better state of things here if the southern people had it, and we would have no more fuss;' that they 'would keep the seat of government here, and the northern people would not.'" Witness further testifies "that he does not recollect that he ever told Mr. Nott that King said 'we would get rid of this damned abolition administration, and have a decent government, such as Beauregard would give us.'"

The committee received from the Secretary of the Interior, after the report was made up, some rebutting testimony, which will be published with the evidence.

JOHN F. POTTER.
SIDNEY EDGERTON.
SAMUEL C. FESSENDEN.
EDWARD HAIGHT.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 17.

CHARLES H. UPTON.

JANUARY 30, 1862.—Ordered to be printed, and the further consideration postponed to February 6, 1862.

Mr. WORCESTER, from the Committee of Elections, made the following

REPORT.

The Committee of Elections, to whom was referred the claim of Charles H. Upton to a seat in the House as a representative of the seventh congressional district of the State of Virginia in the 37th Congress, with instructions to inquire into the question of his eligibility and the regularity of his election, report:

That they have had the claim of the said Upton to a seat in this House as a representative from the district aforesaid under consideration; that they have examined the testimony taken in the case, and considered the legal propositions and arguments submitted to them in support of said claim.

It will be seen that the resolution of the House referred to the Committee of Elections involves the determination of two questions: first, that of the *eligibility* of the incumbent; and, secondly, if *eligible*, whether the conditions and circumstances attending his election were such as to entitle him to retain his seat.

The Constitution of the United States requires that a representative in Congress shall, when elected, be an *inhabitant* of the State in which he is chosen. The only question made or doubt suggested in respect to the *eligibility* of the incumbent was, whether on the 23d day of May last, the day heretofore fixed by law for the congressional election in Virginia, he was an inhabitant of that State.

It appears from the facts admitted in the case, and the testimony submitted to the committee, that the incumbent for the last twenty-five years has been a freeholder in the State of Virginia, having himself for the most of that time been a resident and *inhabitant* of the county of Fairfax, where he and his family were domiciled. For some time prior to the month of November, 1860, the incumbent himself had lived at Zanesville, in the State of Ohio, where he owned an interest in and had been engaged in conducting a daily newspaper, and it was shown that he voted at that place at the annual State election in October, and again at the presidential election in November of the same year. Under the law of Ohio in force at that time, the legal right to vote at either of those elections would necessarily

imply a previous residence in that State of one year at least. But the evidence adduced upon this point satisfied the committee that in the month of November, soon after the presidential election, he returned to his previous residence in the county of Fairfax, where his family had remained and then was. From that time to the month of June last he continued to be a resident and *inhahitant* of the State of Virginia, and consequently not *ineligible*, on account of the objection in question, as a candidate for Congress from that State at the date above referred to.

The seventh congressional district of Virginia comprises the counties of Alexandria, Spotsylvania, Fairfax, Fauquier, Prince William, Rappahannock, Culpeper, Stafford, Orange, and King George, situate in the northeastern part of the State. The examination into the *regularity* of the election of the incumbent, with which the committee is charged, renders it proper, in their judgment, to advert briefly to the political condition of that portion of Virginia embracing the seventh congressional district on and for a short time prior to the 23d of May. In doing this to the extent deemed necessary to our purpose, we shall take occasion to refer to but very few facts except such as are set forth or implied in the *memorial* of the incumbent.

The ordinance of secession, as it was called, passed by the convention of Virginia, was adopted on the 17th of April, then and for some time previous in session at Richmond. This proceeding was entitled "An ordinance to repeal the ratification of the Constitution of the United States by the State of Virginia, and to resume all the rights and powers granted under said authorities." On the same day with the passage of this ordinance the governor of Virginia issued his proclamation acknowledging the independence of the Confederate States, and requiring all the military forces of the State to hold themselves in readiness for immediate orders. These proceedings inaugurated the rebellion against the government of the United States now existing in the whole of the eastern part of the State, and set on foot a revolutionary government. Since then the people and the government *de facto* have been in open and avowed hostility, and in armed resistance to the authority of the general government.

On the 22d of April General Robert E. Lee, on the nomination of the governor, was appointed by the convention commander of the military and naval forces of the State. On the 24th of the same month the convention, claiming to be invested with *supreme authority* in the State, passed the following ordinance:

"The election for members of Congress for this State to the House of Representatives of the Congress of the United States, required by law to be held on the 4th Thursday of May next, is hereby *suspended* and *prohibited* until otherwise ordained by this convention."

On the 25th of the same month the acting authorities in Virginia entered into a convention or compact with the rebel government of the Confederate States, whereby the whole military force and military operations of the State in its impending conflict with the United States were placed under the direction and control of the Confederate States. On the 4th of May the governor issued his proclamation,

authorizing the commanding general to call out and muster into service such additional numbers of volunteers as he might deem necessary to repel the threatened invasion of Virginia by the troops of the United States. On the 14th of May the State was formally admitted as a member of the southern confederacy.

Although all of these proceedings of the governor, the convention, and the other acting authorities of Virginia, were *usurpations* upon the rights of her people, both as citizens of the State and of the United States, and in their nature revolutionary, yet it appears that if not universally approved, they were generally acquiesced in by a very large majority of the people in the whole of the eastern part of the State.

That such was the fact throughout the seventh congressional district is very conclusively shown by the memorial of the incumbent. For the purpose of showing the state of public sentiment in this district in respect to these revolutionary proceedings of the authorities *de facto*, and his own position and action as a candidate for Congress, the incumbent has thought proper to cite in his memorial extracts from several newspapers of the day, all published within a few miles of his own residence; not doubting that these extracts exhibit the common sentiment of the people of the district fairly, as it was manifested at the time, we have embodied some of them in this report:

[From the Alexandria Gazette of May 17.]

Mr. Charles H. Upton, of Fairfax county, has authorized an announcement that he is a candidate to represent the seventh congressional district in the next Congress of the United States, "upon the basis of the maintenance of the Union," and asking the Union men to furnish him with the evidence of their wishes. As the convention of Virginia has, by ordinance, declared that no election for members of Congress shall be held in this State at the ensuing election—as that ordinance is the law of the State—as an attempt to resist or contravene the ordinance would be highly illegal and improper, we trust that no one will countenance this proceeding by taking a vote or holding a poll; and we have no doubt that those who are not in favor of secession will themselves condemn most pointedly that which can only promise mischief, and bring trouble upon parties persisting in being concerned in it. However, it is probable that all will, upon reflection, see the good sense of dropping the whole matter at once.

[From the Fairfax County News of May 17.]

ELECTION OF CONGRESSMEN.

The convention of Virginia, representing the sovereignty of the people of the Commonwealth, and therefore speaking with *supreme authority*, passed the following on the 24th ultimo:

"The election for members of Congress for this State to the House of Representatives of the Congress of the United States, required by law to be held on the fourth Thursday in May next, is hereby *suspended* and *prohibited* until otherwise ordained by this convention."

The obedience of every citizen of the State is not only due to the above, as the sovereign act of the Commonwealth, but is enforced by the pains and penalties of the law against treason.

[From the National Intelligencer of May 20.]

FREEDOM OF OPINION.

The Alexandria correspondent of the Richmond Examiner has the following paragraph in one of his late letters :

"There is some talk here of an attempt to vote for a representative to the Congress of the United States from this district. While I am strongly opposed to lynch or mob law, I think a case might arise when it would be necessary to inflict some kind of a summary punishment, and an attempt of the kind alluded to would seem to be a case where the forms of law might be dispensed with."

It appears, then, from the facts that we have cited from the history of the times, and from the foregoing evidence, that the authorities which had usurped and then had control of the civil government and military forces of the State had, for the time being, set at defiance and annulled the lawful authority of the United States, and deposed or driven off its officers, practically severed the ties and abrogated and repealed all laws that bound the State to the general government of the United States. All this was done, for aught that is shown to the contrary, with the approval and concurrence of a very large majority of the people, and without the effective opposition of any of them. The law of the State providing for the election of members of Congress on the 23d of May was regarded and treated by the governor, sheriffs, commissioners, and other officers charged with the duty of seeing it carried into effect, with the exception at most of those of a single election precinct, as suspended, and for the time being as practically repealed. This course of the election officers appears to have been adopted and pursued without remonstrance or objection from any considerable number of the people of the 7th congressional district. The great body of the people in the district seem to have acted upon the belief that on the 23d of May there was no law in force in the State which would enable them, if so disposed, to elect a member of Congress, nor was there any evidence before the committee that any very considerable number, if they had had the power, would have had the inclination to exercise it. Such being the state of the district, it is a question well worthy of grave consideration whether its political condition was such that any election for a member of Congress at that time should be held legally valid either under the law of Virginia, or of the United States, even were the evidence of such election clothed with all the ordinary forms of law.

This state of public sentiment in the district and its political condition appear to have been fully understood and appreciated by the incumbent. He seems, notwithstanding, to have been very unwilling that the benefit of representation in Congress should be abandoned, without at least an effort on his part to save it. His personal solici-

tations to other gentlemen to become candidates, the repulses he met with from them, the mode in which his own name was brought before the people, the difficulties he encountered, his persistent efforts, and the unusual, not to say abnormal, manner of conducting the election he recommended, are, we have no reason to doubt, as truly as graphically stated in his memorial and address to the people of the district, from which we quote as follows :

"Immediately after the adjournment of the Richmond convention I went to Alexandria and called upon Hon. George W. Brent, who was a member of that body, (and elected by a very large majority as a Union candidate,) and requested him to announce himself as a candidate for Congress. He peremptorily refused. I then called upon Lewis McKenzie, esq., to take this position. He also declined. I then wrote a card announcing myself as a candidate, and again visited Alexandria with a view to its publication in the Gazette—a paper of large circulation in the seventh district, then published in that city. The editor of the Gazette promised to publish the announcement until the day of election, but failed to redeem his promise. Having waited for the fulfilment of the promise a reasonable time, I announced myself a candidate in two papers of this city—the Republican and Star—and also issued a circular addressed to the people, of which the following is a copy :

ADDRESS.

"FALLS CHURCH, FAIRFAX COUNTY, *May* 15, 1861.

"On Friday last I visited Alexandria, and placed the subjoined announcement in the hands of the editor of the *Gazette*, who promised to publish the same if I would omit the portion contained in brackets. I consented to this change, but the promise has not been kept :

"*To the voters of the 7th congressional district:*

I hereby offer myself as a candidate for election to represent you in the next (37th) Congress of the United States, upon the basis of the maintenance of the Union. [The recent convention at Richmond, called without authority, and usurping all authority, has undertaken to set aside the supreme law of the land in reference to elections to Congress.—Acts 1852–'53, ch. 3, § 7, p. 4.] As, therefore, in most of the precincts throughout the district no poll will be opened for members of Congress, I call upon Union men to *open side polls*, and preserve the evidence of the wishes of the people, a copy of which may be transmitted to me, at Falls Church, Fairfax county, or to Hon. John W. Forney, Clerk of the House of Representatives, at Washington.

CHARLES H. UPTON."

It was claimed by the incumbent that, in pursuance of his recommendation, "*side polls*" were opened for those wishing to vote for him, at five different voting precincts in the district, at which he received in the aggregate ninety-five votes. Certain documents were

submitted to the committee, containing lists of the names of the persons said to have so voted, as evidence of his claim to have the benefit of these votes. These documents were merely the lists of names of certain persons subscribed to written statements reciting or referring to the fact that *no regular polls* had been opened for member of Congress; that they had *been deprived* of the *opportunity* to vote or been *deterred* by threats, and they *therefore voted* for the incumbent. It was very evident to the committee that the votes claimed to have been so cast at these "*side polls*" were not cast in conformity with any law at that time or heretofore in force in Virginia, for the election of candidates to Congress; they were not given at the place of voting in the precinct, nor received by any election officer, nor certified or authenticated by any magistrate, or commissioner, or conductor of an election, nor proved by the oath of any witness. The incumbent himself did not seem to insist with very much confidence upon his right to have the benefit of the votes above referred to, but appeared to rely, for the proof of the *legality* of his election, mainly upon certain votes supposed to have been cast for him at an election precinct called *Ball's* × *Roads*, in the county of Alexandria.

The time for the election of members of the 37th Congress was fixed on the 4th Thursday of May last, by an act of the legislature of Virginia passed in the year 1853. An election was held on the same day throughout the State for senators and delegates to the State legislature. The committee subjoin below a complete copy of the document submitted to them as the *poll-book* kept at Ball's × Roads, and which, as has been before stated, was mainly relied on by the incumbent as proof of his claim.

Poll for delegates to the house of delegates, and other officers, Thursday, May 23, 1861.

NAMES OF CANDIDATES AND OFFICES.

Names of voters.	State senate.		House of delegates.				Members of Congress.	
	Henry W. Thomas.	Louis McKenzie.	Wm. G. Cazenove.	Ed. Snowden, jr.	Louis McKenzie.	H. S. Wonder.	George W. Brent.	Charles H. Upton.
T. B. Lawson	1			1				
George Veitch	1		1					
William Burch	1		1					
John Hicks	1			1				
John W. Veitch	1		1					
James Roach	1		1					
T. B. J. Fryy	1		1					
Ed. Leble	1		1					
H. S. Wonder	1			1				
Wesley Carlen	1			1				
John R. Johnston	1		1					
George R. Herrick	1			1			1	
George C. Jackson	1		1					
S. L. Summers	1		1					
William J. Minor	1		1					
George A. Thomas*	1		1					
James C. Roach	1		1					
William R. Burch	1			1				
H. W. Febrey	1			1				
Richard Williams	1		1					
Noah Drummond					1			
J. T. Ball	1		1					
William F. Carlin	1		1					
J. A. Cisson		1				1		1
Marcus Pearl		1				1		1
Allen Pearce		1				1		1
John W. Bowen	1		1					
Thomas Hitchcock	1		1					
Robert Donaldson		1				1		1
John Burch, jr.		1				1		1
Smith Minor	1		1					
W. D. Nutt	1		1					
T. J. Suddath	1		1					
William C. Veitch	1		1					

* In camp.

Poll for delegates to the house of delegates, &c.—Continued.

Names of voters.	State senate.		House of delegates.				Members of Congress.	
	Henry W. Thomas.	Louis McKenzie.	Wm. G. Cazenove.	Ed. Snowden, jr.	Louis McKenzie.	H. S. Wonder.	George W. Brent.	Charles H. Upton.
C. E. French	.....	.....	....	....	....	....	.....	1
Thomas A. Tucker	1	.....	1	....	....	....	.....	.....
R. S. Shreves	1	.....	....	1	....	....	.....	.....
George O. Wunder	1	.....	....	1	....	....	.....	1
Isaac A. Veitch	1	.....	1	....	....	....	.....	.....
E. J. Oxley	1	.....	....	1	....	....	.....	1
Harvey Bailey	1	.....	....	1	....	....	.....	1
B. F. Crabb	1	.....	1	....	....	....	.....	.....
E. S. Javens	1	.....	1	....	....	....	.....	.....
James Reynolds	1	.....	1	....	....	....	.....	.....
J. T. Clark	1	.....	1	....	....	....	.....	.....
N. B. Clarvoe	1	.....	1	....	....	....	.....	.....
Richard A. Veitch*	1	.....	1	....	....	....	.....	.....
George W. Donaldson	.....	.....	....	....	....	....	.....	1
C. B. Graham	1	.....	1	....	....	....	.....	.....
William Shreves	1	.....	....	1	....	....	.....	.....
O. P. Evans†	1	.....	1	....	....	....	.....	.....

* From Alexandria. † In camp.

"COUNTY OF ALEXANDRIA, *to wit:*

This day personally appeared before me, a justice of the peace in and for said county, H. S. Wonder, Wesley Carline, H. W. Febry, Richard Southern, commissioners appointed to superintend an election to be held at Ball's Cross Roads, in said county, on the 23d day of May, 1861, for a State senator and member of the house of delegates, and made oath that they would faithfully execute the office of commissioners.

Given under my hand this 23d day of May, 1861.

JOHN R. JOHNSON, *J. P.*"

"COUNTY OF ALEXANDRIA, *to wit:*

This day personally appeared before me, a justice of the peace in and for said county, Noah Drummond, conductor appointed to conduct the election to be held at Ball's Cross Roads, in said county, on the 23d day of May, 1861, for a member of the house of delegates and a State senator, and made oath that in conducting the said election

he would not attempt to influence the vote of any one, or be guilty of partiality for any candidate or person voted for, and as far as depends on him he would make a true return of the result of the election according to law.

Given under my hand this 23d day of May, 1861.

JOHN R. JOHNSON, *J. P.*"

"COUNTY OF ALEXANDRIA, *to wit:*

This day W. B. Lacy personally appeared before me, conductor of election at Ball's Cross Roads, in said county, and made oath that in the election about to be held at Ball's Cross Roads, in said county, he would record the votes for the candidates faithfully and impartially.

Given under my hand this 23d day of May, 1861.

NOAH DRUMMOND,
Conductor of Election at Ball's Cross Roads."

"ALEXANDRIA COUNTY:

Having carefully examined the above and the within transcript, from the poll-book of the conductor of the election held at Ball's Cross Roads on the 23d day of May, ultimo, I hereby certify that the comparison shows the same to be a correct copy.

Given under my hand this 1st day of July, 1861.

H. S. WUNDER, *J. P.*"

On the face of this document it appears that *ten* votes were cast at that precinct for the incumbent, and *fifty-one* for State senator and delegates. Below the schedule of votes, or on the back of it, there purports to be indorsed the *oath* of *the commissioners*, of the *conductor*, and of the *recorder* or *writer* of the election. Below these there is the certificate of a magistrate, of the date of July 1, 1861, that he had examined this document and compared it with the poll-book of the election held at Ball's Cross Roads on the 23d day of May, and that he found it to be a correct copy. The foregoing is all the testimony (if it can be called testimony) adduced before the committee that the incumbent received *ten*, or any other number of votes, at Ball's Cross Roads.

The only witnesses called by him to testify in respect to the election held at that precinct were Richard Southern, a commissioner, and Noah Drummond, the conductor, but neither of these witnesses testifies that *ten*, or *any other number of votes*, were cast for the incumbent. The testimony of Richard Southern upon this point is as follows:

Question. Were you one of the commissioners for holding the election at Ball's Cross Roads on the 23d day of May last?

Answer. I was.

Question. Was the poll opened there for a member of Congress?

Answer. Not by the order of the governor of Virginia. There was a poll opened there for a member of Congress, by the conductor and four of the commissioners.

Question. Were there armed men present belonging to the army of Virginia, endeavoring to prevent the opening of the polls?

Answer. There were armed men, but they did not prevent the opening of the polls. There was one officer came into the room, and looked upon the poll-book, and saw your name upon the margin for member of Congress, and I heard him say that if he could get a sight of Upton "he be d——d if he should ever take a seat in Congress."

RICHARD SOUTHERN.

A part of that of Noah Drummond as below.

"Question. (By S. F. Beach.) What has been the average vote for several years past at Ball's Cross Roads?

Answer. From ninety to one hundred and forty-two. The latter was the heaviest vote I have known there.

Question. (By same.) Was there an election on the day mentioned for State senator and delegates?

Answer. There was.

Question. Was the usual and average vote cast for those candidates?

Answer. There were a little upward of a hundred votes cast. There were *seventy-nine union votes* and *thirty-one* secession votes.

Question. (By same.) Were the polls opened on that day on the question of ratifying the ordnance of secession?

Answer. Such polls were opened."

It will be observed that the witness, Drummond, states that at the election in question, 79 *union* votes and 31 *secession* votes were cast for State senator and delegates, making in all *one hundred and ten.* But it will be seen that in the document produced by the incumbent as the poll-book of that election, only fifty-one votes were cast for those officers. It necessarily follows, if Drummond's testimony is reliable, that the document produced by the incumbent is not a copy of the poll-book kept at Ball's Cross Roads on the 23d of May, and therefore it could have no weight as testimony even if authenticated in due form of law.

That it was not authenticated in due form, or in such manner as to make its contents evidence for any purpose, will abundantly appear by reference to the election laws of Virginia. The law of that State provides that the county court shall, biennially, appoint *five* freeholders *commissioners* of election for each place of voting in the county, any two of whom, together with another officer called the *conductor*, are authorized to hold the election. After the polls are closed the correctness of the poll-book is required to be certified by the commissioners and conductor. It is then made the duty of these officers within five days after the commencement of the election to report and deliver the poll-book so certified to the officer conducting the election, at the court-house in the same county. In the case of a congressional election, these last-named officers in the several counties in the district meet, canvass the poll-books, make out a certificate of the result, one of which is transmitted to the governor. On the

receipt of this certificate the governor issues his proclamation declar ing the successful candidate elected.

At the time of this election, as we have seen, the governor of Virginia was in open rebellion against the United States, and there can be but little doubt that most if not all the sheriffs and conductors of the elections at the several court-houses in the district, if not in active rebellion, were disloyal. Such being the fact, it would have been impracticable for the incumbent to have procured the ordinary evidence of the number of votes he might have received as required by the law of Virginia, whatever that number might have been. This case would then have come within the reason of the principle held by this House at its present session in the case of Andrew J. Clemens, from the 4th district of Tennessee. But in that case the evidence satisfied the committee that from 1,500 to 2,000 legal votes were cast for the successful candidate, and that these votes, at least in one entire county, were duly and legally authenticated by the certificates of the officers conducting the primary elections in the county and also legally returned by the sheriff.

But in the matter of the election at Ball's Cross Roads, not only was no return made to the sheriff or conductor of the election at the court-house, in Alexandia county, but the result of the election was in no manner certified, authenticated, or proved by the officers conducting the election at that precinct, or in any other mode known to the law. The testimony shows that the election, on the 23d of May, was held at that precinct by *four commissioners* and a *conductor*, and under the law of Virginia, the poll-book should have been certified by all of them. But there is not only no evidence that it was certified by either of these officers, but no reason shown why it should not have been, if the result of the election was such as it is claimed by the incumbent.

In view of the foregoing facts, the committee are constrained to come to the conclusion that the incumbent has produced no evidence, which, either under the statutes of Virginia, or in accordance with any precedent known to them, should be admitted as satisfactory proof that *any* votes were legally cast for him as a candidate for representative to the 37th Congress, either at the voting precinct at Ball's Cross Roads, or elsewhere in the 7th congressional district.

Your committee, in view of the foregoing conclusion, submit to the consideration of the House the following resolution:

Resolved, That Charles H. Upton is not entitled to a seat in this House as a representative of the 7th congressional district of Virginia.

In the view the committee have taken of this case, they have not deemed it necessary for them to express any opinion upon the question whether, in a congressional district containing from 6,000 to 8,000 legal voters, the votes of so few as *ten* electors. even if properly authenticated and clothed with all the forms of law, would furnish that evidence of a claim to a seat in this House that ought to be regarded as conclusive of the title. The proper time to determine

this question will be when a case shall arise that makes a decision of it more indispensable than the one now submitted to the committee.

It was very apparent, from the evidence before the committee. that but a very small portion of the voters in this congressional district could have been in any way apprised that the incumbent was, on the 23d day of May, a candidate for Congress. It is probable, from the testimony, that not one voter in ten, of the whole number, could have known, at the time, that the incumbent, or any other candidate, was seeking an election to that office.

What the *legal effect* of this general ignorance and want of notice to the voters would be, in itself considered, independently of all forms of law, is a matter of very great doubt, and well worth grave consideration. *Election* implies *choice*, and *choice* a state of mind in reference to the object of it the reverse of ignorance. With what propriety a person may be said to be *elected* or *chosen* as a representative to Congress in a district in which nine-tenths of those interested in the election had no knowledge that he or any one else was a candidate, we do not readily or clearly see. If it should be suggested that those who do not go to the polls are presumed to *acquiesce* in the action of those who do, would not that presumption be sufficiently rebutted by the proof that those who did not go were not only ignorant of the election but acted under the belief that no election at the time could be legally held? These, and some other similar questions, naturally suggested by the facts in this case, it is not now, in the judgment of the committee, necessary to consider, and any attempt at their solution may be postponed till it becomes more indispensable to determine them than at present.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 18.

FREDERICK E. SICKLES.

JANUARY 31, 1862.—Laid on the table, and ordered to be printed.

Mr. NOBLE, from the Committee on Patents, made the following

REPORT.

The Committee on Patents, to whom was referred the petition of Frederick E. Sickles, praying the passage of a law to authorize a rehearing of his application before the Commissioner of Patents for the extension of the patent granted him on the 20th of May, A. D. 1842, *respectfully report:*

That on the 20th of May, 1842, letters patent were granted to Frederick E. Sickles for fourteen years for certain improvements in the manner of constructing the apparatus for lifting, tripping, and regulating the valves of steam-engines, commonly known as "*Sickles's cut-off.*"

At the proper time before his patent was to expire he made application, in due form of law, to the Commissioner of Patents for its extension.

This application was resisted by parties claiming to be interested on several grounds, the most prominent of which was "*that the patented invention was not new and patentable at the time it was patented.*"

On this and the other questions made much testimony was taken on both sides, in the form of depositions, and submitted to the Commissioner. The evidence having been closed, the Commissioner, pursuant to the provisions of the statute in such case made and provided, referred the whole matter for examination to the principal examiner having charge of the class of inventions to which the case belonged.

After eight days examination and deliberation, the examiner found that Sickles *was not* the original inventor or discoverer of the improvements covered by his letters patent, and *so* reported to the Commissioner.

With this *finding* of the examiner the petitioner, Mr. Sickles, was dissatisfied, and claimed a rehearing of the whole case before the Commissioner, which was granted; and the case was again fully heard and argued by able counsel before the Commissioner, the Hon. Judge Mason, a gentleman of high legal attainments and much experience, and on such full and final hearing the application was refused. The Commissioner, in making this decision, expressed a doubt as to his right to review and disregard the finding of the examiner, inas-

much as the statute required that finding to be made by the said examiner, and expressed himself unwilling to reverse the decision of the examiner in such a case unless *clearly* satisfied that such decision was erroneous; and that, although he saw some reason to *doubt* the correctness of the decision of the examiner, there was not sufficient to cause the scale to preponderate decidedly in the contrary direction.

Thereupon Sickles immediately petitioned Congress to pass a special act authorizing him to have a rehearing of his application before the Commissioner. For some reason the petition was delayed until about the 3d of March, A. D. 1859, when it and the remonstrances filed against it was heard and considered by the House Committee on Patents, who then made a full and able report, reviewing the whole case, and concluding with the opinion that the prayer of the petitioner ought not to be granted.

The committee founded this opinion upon the satisfactory conclusion, from an examination of the whole case, evidence and arguments on both sides, "*that the grounds urged by the petitioner why he should have the relief wholly fails.*" This report shows that, on a full examination, the committee saw no reason to differ with the examiner in his conclusions; in short, that all the facts material to the application are against the petitioner, and that there was clearly no foundation for any of the complaints alleged by him.

This report was laid upon the table, and ordered to be printed, which seems to have ended the case, so far as that Congress was concerned.

At the next (36th) Congress we find the case in the Senate, whose Committee on Patents made a report, finding that Sickles *was* the original inventor, recommended the relief prayed, and reported a bill granting it to him accordingly, which was read a first and second time, and laid on the table, to be printed. The report was also printed, and that seems to have been an end of the case in the Senate, as we were unable to find any final action upon the subject there.

The Senate committee founded the recommendation so made by them upon the hypothesis that Sickles *was* the original inventor; the improvement was a very valuable one; that he had not been able to sufficiently remunerate himself for his time, ingenuity, and expense in introducing it, and that he had been deprived a renewal of his letters patent, on the hearing before the Commissioner of Patents, by reason of the erroneous finding of the examiner that he *was not* the original inventor; and, also, by reason of the opinion of the Commissioner doubting his right to review the finding of the examiner.

The papers, evidences, arguments, &c., are quite voluminous, and we think so many hearings should relieve your committees in future from any further examination of the case; otherwise, it may be submitted and urged upon first one branch of Congress and then the other, without any limit whatever.

That principle in law designed to favor a speedy end of litigation, so that the same controversy having been *once* fully tried between the same parties, and judgment rendered, the same may be pleaded in bar of any further action, has been found by the experience of ages to

be most wise and salutary. No matter how great may be the amount in controversy, the rule is inflexible; yet we find no disposition to change or disregard it, because as a *rule* of action, of universal application, it is most salutary in all its tendencies.

If, then, this principle is sound in one case, it must be in another. The matter now under investigation assumes the character and similtude of a suit or controversy between two parties. One files his petition asking that a valuable right may be granted and secured to him on the ground that he has the legal right to make this demand; the other appears and denies that the claimant is entitled to what he asks, and defends against its allowance. They both appear in the proper tribunal clothed with full jurisdiction and power to hear and determine the controversy, and grant or deny the right claimed, as the justice of the case may require. The issues being made up, both parties produce the evidence they respectively have, in support of their respective claims so set up as aforesaid, and each party having produced all the evidence he has, rests his case, and the legal tribunal at once proceeds to decide the case upon the evidence. The hearing is full, complete, and according to law, and the decision of the tribunal properly rendered. We ask whether, on the principle above mentioned, this ought not to end the controversy? We have no hesitation in saying that we think it should. If one of the parties has the right to appeal to Congress when the case is decided against him, then the other, most clearly, ought to have the same right, because rights should always be equal—that is, the rules of law securing or granting them should be equally open and equally applicable to all. Disregard this principle, and Congress will become an appellate court, and be compelled to review all controversies that may arise between individuals; and most certainly the last trial would be more likely to be erroneous in such case than the first.

It is the duty of Congress to provide by law for the proper tribunal, and fix its jurisdiction and the rules of law by which it shall be governed for the trial of these cases, and here the duties of the legislative power ceases. In this case the tribunal was provided, the case was fully heard and decided by it; and not only so, but the case has since been fully heard and decided by one of the committees of this House against the rights and claims of the petitioner.

But it is said that one of the parties is still dissatisfied, and thinks that the facts have been wrongfully found against him, and the law has not been properly applied to his case. We say, in answer, we have seldom known a closely-balanced case ever decided against any party in which he did not think himself greatly abused and his rights terribly sacrificed.

The cases are few and far between in which Congress should interfere, and by special legislation grant relief to either one of two contending parties, and especially when there is a proper legal tribunal whose duty it is to try and who has tried and decided the controversy.

We are therefore of opinion that the prayer of the petitioner ought not to be granted, and ask to be discharged from any further consideration of the subject.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 19.

MAJOR JOHN RIPLEY—HEIRS OF.

[To accompany Bill H. R. No. 264.]

FEBRUARY 7, 1862.—Ordered to be printed.

Mr. PERRY, from the Committee on Revolutionary Claims, made the following

REPORT.

The Committee on Revolutionary Claims, to whom were referred the petition and papers of the heirs of Major John Ripley, respectfully report:

That this claim was favorably reported upon on the 17th day of April, 1858, and March 2, 1860. Those reports, with the evidence, have been re-examined; and your committee, concurring entirely with those reports, adopt them, and report a bill in all respects the same as the ones then reported:

IN THE HOUSE OF REPRESENTATIVES, *March* 2, 1860.

Mr. BRIGGS, from the Committee on Revolutionary Claims, made the following report.

The Committee on Revolutionary Claims, to whom were referred the petition and papers of the heirs of Major John Ripley, respectfully report:

That they have examined this case carefully, and they unanimously concur in reporting that the facts set forth by the petitioners are fully sustained by the evidence on file.

Major John Ripley, late of the town of Windham, in the State of Connecticut, was commissioned captain in the continental army on the 6th day of July, 1775, and served as such in Colonel Jedediah Huntington's regiment, in the war of the revolution, until the 18th day of December, 1775; that in the month of May, 1776, he was appointed as captain in Colonel Ward's regiment, and continued in said regiment until the 15th day of February, 1777, on which day he was commissioned by the continental Congress as major. He was afterwards assigned to the command of four companies in the continental

army, under the command of Captains Ebenezer Mosely, Asa Kinne, Benjamin Liffingwell, and Sanford Kingsberry. Major Ripley continued in the service as such until June, 1778, when he became supernumerary on the reduction of the regiments in the Connecticut line from six to two. He was again called into service as major on the 11th day of June, 1779, and continued during the war.

The evidence of these facts is found in the depositions on file; but your committee rely more upon the record of the services of the Connecticut officers kept by the State, a certified copy of which, so far as Major Ripley's services are involved, is also on file among the papers in this case. From this record every important allegation in the petition is established—not only the dates of the appointment of Major Ripley and the term of service, but his accounts rendered while captain and while major acting in the recruiting service.

Your committee, therefore, report the accompanying bill, giving the heirs of said Major John Ripley the five years' commutation pay, as provided by the act of March 22, 1783, as they can find no evidence that it has ever been paid.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 20.

APPROPRIATIONS FOR CIVIL EXPENSES FOR THE YEARS 1862–'63.

[To accompany bill H. R. No. 154]

FEBRUARY 11, 1862.—Ordered to be printed.

Mr. STEVENS, from the Committee of Ways and Means, made the following

REPORT.

The Committee of Ways and Means, to whom were referred the amendments of the Senate to bill (H. R. 54) "*making appropriations for sundry civil expenses of the government for the year ending the* 30*th June,* 1863, *and additional appropriations for the year ending* 30*th June,* 1862," *have had the same under consideration, and beg leave to report as follows:*

They recommend that the House of Representatives agree to the 1st, 2d, 3d, 4th, 6th, 7th, 12th, 14th, 15th, 16th, and 17th amendments of the Senate.

They recommend that the House of Representatives disagree to the 5th, 8th, 9th, 10th, 11th, 13th, 19th, 20th, and 21st amendments of the Senate.

They recommend that the House of Representatives agree to the 18th amendment of the Senate, with an amendment, as follows:

To supply a deficiency in the expenditures of W. S. Wood, late Commissioner of Public Buildings, nine hundred and thirty-four dollars and seventy-eight cents.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 21.

DEPARTMENT OF AGRICULTURE.

[To accompany bill H. R. No. 269]

FEBRUARY 11, 1862.—Ordered to be printed.

Mr. LOVEJOY, from the Committee on Agriculture, made the following

REPORT.

The Committee on Agriculture, to whom were referred that portion of the President's message relating to agriculture and several bills for the establishment of an agricultural department or bureau, ask leave to report:

Your committee would state that they have had the subject under consideration, and have given it careful and mature attention.

The establishment of a distinct bureau or department, devoted as a leading purpose to the agricultural interest, has been discussed more or less for the last twenty years. It received the distinct recommendation of President Taylor, and is endorsed and recommended by our present excellent Chief Magistrate in his annual message as follows:

"Agriculture, confessedly the largest interest of the nation, has not a department nor a bureau, but a clerkship only, assigned to it in the government. While it is fortunate that this great interest is so independent in its nature as to not have demanded and extorted more from the government, I respectfully ask Congress to consider whether something more cannot be given voluntarily with general advantage.

"Annual reports exhibiting the condition of our agriculture, commerce, and manufactures would present a fund of information of great practical value to the country. While I make no suggestion as to details, I venture the opinion that an agricultural and statistical bureau might profitably be organized."

The Secretary of the Interior, also, in his report, has the following valuable and appropriate suggestions:

"In this connexion I feel constrained to recommend the establishment of a bureau of agriculture and statistics, the need whereof is not only realized by the heads of department, but is felt by every intelligent legislator.

"The maintenance of such a bureau, on a respectable footing, by a

different arrangement of offices which at present exist on a basis too contracted for extensive usefulness, would be attended with no expense to the government additional to that incident to the present organization of the department, while the advantages gained to the public service would be incalculable. One of the objects contemplated by Congress in the appropriations for the promotion of agriculture was the 'collection of agricultural statistics.' Correct reports from every portion of the country exhibiting the peculiarities of the soils and their adaptation to the various crops, with the character and extent of their annual productions, would constitute a fund of information of great practical value. The appropriations heretofore made by Congress have not been sufficient to accomplish this object, and at the same time provide for the distribution of seeds and the propagation of new varieties of plants to the extent which the public expectation appeared to demand.

"Annual reports made under the direction of such a bureau, setting forth the condition of our agriculture, manufactures, and commerce, with well-digested statements relative to similar facts in foreign countries, which the present rapid intercommunication enables us to obtain often in advance of their publication abroad, would prove the most valuable repertories of interesting and important information, the absence of which often occasions incalculable loss to the material interests of the country. The vigilance of such a bureau would supply timely warning of the failure of crops abroad or at home, and lead to the judicious investment of capital and employment of labor in agriculture and manufactures.

"While we expend vast sums for experiments in gunnery, the promotion of science, in illustrating the physical features of unpeopled territory at home and regions beyond the seas, and publish costly volumes of undigested correspondence relating to foreign trade, it is a source of pain to every statesman and political economist to reflect that it is only once in ten years that the country is supplied with reliable returns respecting the value of our agriculture and manufactures, while altogether ignorant of the extent of our internal commerce, and possess no means of ascertaining its importance.

"All enlightened foreign governments and several of the States sustain statistical bureaus, while the United States, with a population second to no other in intelligence, and with productions and resources the most varied, have yet to institute an agency which would prove an invaluable guardian of our most material interests. The want of such a bureau has long been felt, and has been frequently brought to the notice of Congress, but at no period has the necessity been so universally recognized as at the present."

It is conceded on all hands that the farming interest is the basis of all other interests, and the primary source of national prosperity. The outlines of the rise and decay of the Roman empire could have been written in the fields which environed the capitol as well as in her libraries amid historical records. The cultivation of the earth was the first duty assigned to man, and it will of necessity be his

latest work. When its culture shall have reached its highest point of perfection, under the guidance of science, art, and skill, man may hope to find the whole earth transformed into the beautiful garden that he left in the olden time.

It is noticeable that no class has so much eulogistic language bestowed upon it by public men as the farmers. They are numerous, they are worthy, they have votes, and they *must*, therefore, have pleasant words. But the homely proverb says "soft words butter no parsnips." While law-makers have *spoken* very pleasant and truthful words *about* farming and its interests, they have *done* very little *for* this interest. A small appropriation is indeed annually made for the distribution of seeds and plants. This has been done under the supervision of the Commissioner of Patents, whose leading and engrossing business is in another direction. With this department agriculture has no necessary or even natural connexion. It has been tolerated rather than fostered, and suffered often from neglect and mismanagement.

Your committee propose to rescue it from this undeserved subordinate obscurity, as well as from this hurtful mismanagement, by transforming it from a clerkship to the grade of commissioner, and by attaching to it a salary which shall command talent and integrity above mediocrity and above suspicion. It may be asked why not have a minister of commerce, of manufactures, as well as a minister of agriculture? In reply to this the committee would state that in most countries these interests are represented in the government by a distinct bureau or minister. But there is this also to be considered. The commercial and manufacturing interests, being locally limited and centralized, can easily combine and make themselves felt in the halls of legislation, and in the executive departments of the government. Not a session of Congress passes without this being clearly and sometimes painfully evident. New York and Lowell have often more immediate influence in directing and moulding national legislation than all the farming interests in the country. Agriculture, clad in homespun, is very apt to be elbowed aside by capital, attired in ten-dollar Yorkshire. Every government in Europe, your committee think, without exception, has an agricultural department connected with it.

Your committee desire to add a few words as to the utility of the department under consideration. Here a wide field opens before us, at which we can only glance. The processes of nature, by which and through which the earth feeds and clothes its inhabitants, are but partially and imperfectly known.

Yet, the laws which control the operations of nature in the productions of the earth are so uniform that we need only to know them to calculate with approximate exactness the result of our toil. Hence this knowledge is of incalculable importance. The nature of different soils, to what particular crops they have special or peculiar adaptation, the amount and character of nutriment abstracted from the soil by any particular crop which is grown upon it, the amount of seed to be sown or

planted to the acre, the adipose and muscular tissue which the different grasses, cereals, and vegetables will place upon beeves, swine, and sheep, and even poultry,—accurate knowledge on these and on all cognate subjects is of the highest importance to the farmer. But accurate knowledge of this kind can be obtained only by experiment, and by such and so long continued experiments as to place it beyond the power of individuals or ordinary voluntary associations to make them.

In England it is true that individual proprietors of immense landed estates have done much in this direction. In France it is different, and the government in that country has done very much to promote agricultural science. In different parts of the kingdom there are experimental stations where it is ascertained, with great exactness, what amount of flesh a pound of hay and of other varieties of food will add to the different kinds of animals. It will be seen at a glance that the results of these experiments are invaluable to the people at large, for whose benefit they are published by the government. Experiments are also made in regard to the growth of cereals and vegetables. In Belgium a monthly publication is made of the agricultural statistics, informing the producers of the state of the crops, and at the harvest affording them the data upon which to form a judgment as to the value of those crops.

Although England has nearly doubled her population since the time that the greater part of the land has been under cultivation, yet, owing to the improved modes of culture resulting from scientific experiment, that nation imports ordinarily no more breadstuffs, in proportion to her population, than before. It is said that the man who makes two blades of grass grow where but one grew before is a benefactor of his race. If five additional bushels of wheat and ten of corn could be made to grow on each acre sown or planted, the additional profit, compared with the outlay, would be beyond computation. To do this it only needs to restore the arable land to its pristine vigor, and to secure careful husbandry. This will, before many years, become a necessity, for our population has already reached a parallel of longitude going westward beyond which rains do not descend. We cannot for very many years depend upon virgin soils, and must look to some mode of restoring or retaining their original strength and productiveness.

Fruits also have a myriad enemy in the form of insects, with and without wings. Sometimes they destroy the hope and promise of an entire orchard. How can we protect ourselves against the injuries they inflict?

It is also very important to the farmer to know the agricultural statistics of the country that he may approximate the value of his crops from year to year. Very many of the statistics of the Census bureau naturally belong to this department, and ultimately your committee think that entire bureau may be transferred to the agricultural department, but at present deem it unwise to make the transfer, especially so far as the mere enumeration of the people and their classification is concerned, and this, indeed, is all that would

seem originally and properly to belong to the census. In view of these considerations, and many more which will suggest themselves to minds of members, your committee unite in recommending to the House the following bill for its adoption.

All which is respectfully submitted.

OWEN LOVEJOY, *Chairman.*
DWIGHT LOOMIS.
CHAS. B. CALVERT.
CYRUS ALDRICH.
EDW'D HENRY SMITH.
JACOB P. CHAMBERLAIN.
JOHN P. C. SHANKS.
JOS. BAILY.
SAMUEL T. WORCESTER.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 22.

RECIPROCITY TREATY WITH GREAT BRITAIN.

FEBRUARY 5, 1862.—Ordered to be printed, and recommitted to the Committee on Commerce.

Mr. WARD, from the Committee on Commerce, made the following

REPORT.

The Committee on Commerce, to whom were referred the concurrent resolutions of the legislature of the State of New York in relation to the treaty between the United States and Great Britain, commonly known as the "reciprocity treaty," report as follows:

The subject of our commercial relations with the British Provinces and Possessions demands the most close investigation, not only as regards the population and territory of these dominions, but also because the principles and plans necessary to a mutually satisfactory solution of our existing difficulties with them, may have an important influence on the future policy of the United States, and form the basis for a system of interchange with other nations upon this continent.

The State of New York having a larger extent of co-terminous frontier with the most populous portion of Canada—the most important of all the Provinces—than is possessed by any other State in the Union, her people would naturally be the first to reap the benefits of free intercourse with Canada, and the first to be injured by exclusive legislation on the part of that Province. The subject being thus brought home to the people of New York, the following Resolutions were duly passed by the Legislature of that State, and have been referred to this committee for consideration:

CONCURRENT RESOLUTIONS of the legislature of the State of New York in relation to the treaty between the United States and Great Britain, commonly known as the reciprocity treaty.

Whereas, under the treaty made by the United States with Great Britain, on behalf of the British North American Colonies, for the purpose of extending reciprocal commerce, nearly all the articles which Canada has to sell are admitted into the United States free of duty, while heavy duties are now imposed upon many of those articles which the United States have to sell with the intention of excluding the United States from the Canadian markets, as avowed by the minister of finance and other gentlemen holding high official positions in Canada; and similar legislation with the same official avowal has been adopted by the imposition of discriminating tolls and duties in favor of an

isolating and exclusive policy against our merchants and forwarders, meant and intending to destroy the natural effects of the treaty, and contrary to its spirit; and whereas we believe that free commercial intercourse between the United States and the British North American Provinces and Possessions, developing the natural, geographical, and other advantages of each, for the good of all, is conducive to the present interest of each, and is the only proper basis of our intercourse for all time to come; and whereas the President of the United States, in the first session of the thirty-sixth Congress, caused to be submitted to the House of Representatives an official report, setting forth the gross inequality and injustice existing in our present intercourse with Canada, subversive of the true intent of the treaty, owing to the subsequent legislation of Canada; and whereas the first effects of a system of retaliation or reprisal would injure that portion of Canada known as the Upper Province, whose people have never failed in their efforts to secure a permanent and just policy for their own country and ourselves, in accordance with the desire officially expressed by Lord Napier when British Minister at Washington, for the "confirmation and expansion of free commercial relations between the United States and British Provinces:" Therefore—

Resolved, That the senators and representatives in Congress for the State of New York are requested to take such steps, either by the appointment of commissioners to confer with persons properly appointed on behalf of Canada, or by such other means as may seem most expedient, to protect the interests of the United States from the said unequal and unjust system of commerce now existing, and to regulate the commerce and navigation between "her Majesty's possessions in North America and United States in such manner as to render the same reciprocally beneficial and satisfactory," as was intended and expressed by the treaty. And

Resolved, That the foregoing preamble and resolutions be transmitted to our senators and representatives in Congress, with a request that they be presented to both houses thereof.

The chief points for consideration are the extent, population, position and resources of the British North American Provinces and Possessions; the present so-called "reciprocity treaty;" the existing condition of our commercial and fiscal relations with Canada, and the line of policy most conducive to the interest and welfare of both countries; the tendencies of modern inventions and civilization on the intercourse of nations, including the leading principles of the German Commercial Union or *Zollverein*, and their applicability to the United States and the co-terminous or adjacent British Provinces and Possessions; the mutual relations of Great Britain and Canada, and the Colonies, so far as they affect the United States; and a method of negotiation for the removal of existing difficulties.

EXTENT, CHARACTER, RESOURCES, &C., OF THE BRITISH NORTH AMERICAN PROVINCES AND POSSESSIONS, AND CLIMATE OF THE INTERIOR.

The great and practical value of the British North American Provinces and Possessions is seldom appreciated. Stretching from the Atlantic to the Pacific ocean, they contain an area of at least 3,478,380 square miles—more than is owned by the United States, and not much less than the whole of Europe, with its family of nations. No small portion of these British territories consists of barren and inhospitable regions in the extreme north; but, as a recompense, the arid plains extending through Texas, and thence northward beyond the limits of the United States, are comparatively insignificant as they enter the British Possessions, where the Rocky mountains are less elevated and have a more narrow base. The isothermal line of 60° for summer rises on the interior plains of this continent as high as the sixty-first parallel, its average position in

Europe; and a favorable comparison may also be traced for winter and the other seasons of the year. Spring opens almost simultaneously on the vast plains reaching from St. Paul's to the Mackenzie river—a distance northerly of about 1,200 miles. Westward from these regions—now scarcely inhabited, but of incalculable value in the future—are countries of yet milder climate, on the Pacific slope and in Vancouver's island, whose relations to California are already important. On the eastward, but yet far distant from other abodes of civilization, are the small settlements enjoying the rich lands and pleasant climate of the Red River of the North, a stream capable of steamboat navigation for four hundred miles.

It is asserted by those who add personal knowledge of the subject to scientific investigation, that the habitable but undeveloped area of the British possessions westerly from Lake Superior and Hudson's bay comprises sufficient territory to make twenty-five States equal in size to Illinois. Bold as this assertion is, it meets with confirmation in the isothermal charts of Blodgett, the testimony of Richardson, Simpson, Mackenzie, the maps published by the government of Canada, and the recent explorations of Professor Hind, of Toronto.

North of a line drawn from the northern limit of Lake Superior to the coast at the southern limit of Labrador exists a vast region, possessing in its best parts a climate barely endurable, and reaching into the Arctic regions. This country, even more cold, desolate, and barren on the Atlantic coast than in the interior latitudes, becoming first known to travellers, has given character in public estimation to the whole north.

Another line, drawn from the northern limit of Minnesota to that of Maine, includes nearly all the inhabited portion of Canada, a Province extending opposite the Territory of Dakota and States of Minnesota, Wisconsin, Michigan, Ohio, Pennsylvania, New York, Vermont, New Hampshire, and Maine, possessing a climate identical with that of our northern States.

The "Maritime Provinces" on the Atlantic coast include New Brunswick, Nova Scotia, Prince Edward's Island, and Newfoundland. Geographically they may be regarded as a northeasterly prolongation of the New England system. Unitedly they include an area of at least 86,000 square miles, and are capable of supporting a larger population than that at present existing in the United States or Great Britain. They are equal in extent to the united territory of Holland, Greece, Belgium, Portugal, and Switzerland.

New Brunswick is 190 miles in length and 150 in breadth. Its interests are inseparably connected with those of the adjacent State of Maine. It has an area of 22,000,000 acres, and a sea-coast 400 miles in extent and abounding in harbors. Its population some years ago numbered 210,000, whose chief occupations are connected with ship-building, the fisheries, and the timber trade. Commissioners appointed by the government of Great Britain affirm that it is impossible to speak too highly of its climate, soil, and capabilities. Few countries are so well wooded and watered. On its unreclaimed

surface is an abundant stock of the finest timber; beneath are coal fields. The rivers, lakes, and sea-coast abound with fish.

Nova Scotia, a long peninsula, united to the American continent by an isthmus only fifteen miles wide, is 280 miles in length. The numerous indentations on its coast form harbors unsurpassed in any part of the world. Including Cape Breton, it has an area of 12,000,000 acres. Wheat, and the usual cereals and fruits of the northern States, flourish in many parts of it. Its population in 1851 was declared by the census to be 276,117. Besides possessing productive fisheries and agricultural resources, it is rich in mineral wealth, having beneath its surface coal, iron, manganese, gypsum, and gold.

The province of Prince Edward's Island is separated from New Brunswick and Nova Scotia by straits only nine miles in width. It is crescent-shaped, 130 miles in length, and at its broadest part is 34 miles wide. It is a level region, of a more moderate temperature than that of Lower Canada, and well adapted to agricultural purposes. Its population in 1848 was 62,678.

The island of Newfoundland has a sea-coast 1,000 miles in extent. It has an area of 23,040,000 acres, of which only a small portion is cultivated. Its spring is late, its summer short, but the frost of winter is less severe than in many parts of our own northern States and Territories. It is only 1,665 miles distant from Ireland. It possesses a large trade with various countries, including Spain, Portugal, Italy, the West Indies, and the Brazils.

The chief wealth of Newfoundland and of the Labrador coast is to be found in their extensive and inexhaustible fisheries, in which the other Provinces also partake. The future products of these, when properly developed by human ingenuity and industry, defy human calculation. The Gulf Stream is met near the shores of Newfoundland by a current from the Polar basin, vast deposits are formed by the meeting of the opposing waters, the great submarine islands known as "The Banks" are formed, and the rich pastures created in Ireland by the warm and humid influences of the Gulf stream are compensated by the "rich sea-pastures of Newfoundland." The fishes of warm or tropical waters, inferior in quality and scarcely capable of preservation, cannot form an article of commerce like those produced in inexhaustible quantities in these cold and shallow seas. The abundance of these marine resources is unequalled in any other portion of the globe.

Canada, rather a nation than a province, in any common acceptation of the term, includes not less than 346,863 squares miles of territory, independently of its Northwestern Possessions not yet open for settlement. It is three times as large as Great Britain and Ireland, and more than three times as large as Prussia. It intervenes between the great Northwest and the Maritime Provinces, and consists chiefly of a vast territorial projection into the territory of the United States, although it possesses a coast of nearly 1,000 miles on the river and gulf of the St. Lawrence, where fisheries of cod, herring, mackerel, and salmon are carried on successfully. Valuable

fisheries exist also in its lakes. It is rich in metallic ore and in the resources of its forests. Large portions of its territory are peculiarly favorable to the growth of wheat, barley, and the other cereals of the north. During the life of the present generation, or the last quarter of a century, its population has increased more than four-fold, or from 582,000 to 2,500,000.

The population of all the provinces may be fairly estimated as numbering 3,500,000. Many of the inhabitants are of French extraction, and a few German settlements exist; but two-thirds of the people of the provinces owe their origin either to the United States or to the British islands, whose language we speak, and who "people the world with men industrious and free."

NATURAL CHARACTERISTICS OF NORTHERN NATIONS, AND THE NECESSARY PRINCIPLE OF OUR POLICY.

The climate and soil of these Provinces and Possessions, seemingly less indulgent than those of tropical regions, are precisely those by which the skill, energy, and virtues of the human race are best developed. Nature there demands thought and labor from man, as conditions of his existence, but yields abundant rewards to wise industry. Those causes which, in our age of the world, determine the wealth of nations are those which render man most active; and it cannot be too often or too closely remembered in discussing subjects so vast as these, where the human mind may be misled if it attempts to comprehend them in their boundless variety of detail, that sure and safe guides in the application of political economy, and to our own prosperity, are to be found in the simple principles of morality and justice, because they alone are true alike in minute and great affairs, at all times and in every place. They imply freedom for ourselves, and those rules of fraternity or equality which enjoin us to regard our neighbors as ourselves. We can trust in no other policy.

PRINCIPLE OF RECIPROCITY—ITS NECESSITY FOR THE BRITISH POSSESSIONS, AND APPROVAL BY AMERICAN STATESMEN.

While free access to the markets of the United States is mutually valuable to the Maritime Provinces and ourselves, by far the most extensive portion of the British possessions is behind the territory of the United States, and, under an unwise and illiberal system, would be debarred from direct communication with the Atlantic ocean and those southern regions whence it must always derive many daily necessaries of civilized life in exchange for the products of its own northern industry. Let us not inquire curiously which of the two would render the most useful service to the other under a just system and perfect development of actual reciprocity. The various parts of the American continent, like those of the human body, are wonderfully adapted to each other. The different portions of the continent do not profitably admit of any commercial separation, and the principle of unrestricted commercial intercourse with the British North American Possessions has been approved alike by free traders and protectionists at all periods of our national existence.

DATE OF THE TREATY, AND POLICY ADVISED BY AGENTS OF THE UNITED STATES TREASURY.

With the intention of establishing a system thus mutually advantageous, a treaty was made in 1854 by the United States with Great Britain on behalf of the provinces of Canada, New Brunswick, Nova Scotia, Prince Edward's Island, and Newfoundland.

Various representations having been made as to the unfriendly, adverse, or restrictive legislation of Canada, the Hon. I. T. Hatch, of the State of New York, and James W. Taylor, of Minnesota, were appointed as agents of the Treasury Department of the United States to inquire into the operations of the reciprocity treaty. They reported the results of their investigations in 1860. Minor differences of opinion exist between the two commissioners, but they fully agree as to the ultimate object of our national policy towards the provinces, that of unrestricted commercial intercourse.

COMPREHENSIVE STATEMENT BY MR. HATCH.

Mr. Hatch briefly sketches the chief causes of the uniformity of opinion among all political parties in this country, at all times, by the following comprehensive statement:

"The territory of the provinces is indented with our own along a line extending across the continent from ocean to ocean. The wages of labor (the great modern test of one phase of national equality) are nearly equal in both countries. The cost in the production of wheat and other cereals differs but little on both sides of the boundary line. Shown thus to be apparently commercially alike by these leading considerations, and minor parallels confirming the similitude, it is not singular that at various periods of our national existence the idea of reciprocity in trade between the two countries has received the favorable regard of eminent men."

DECIDED OPINION OF MR. VAN BUREN.

"The policy of the United States," wrote Mr. Van Buren, referring especially to the North American Colonies, to Mr. McLean, who was then our minister at the court of St. James, in 1829, during the Presidency of General Jackson, "in relation to their commercial intercourse with other nations, is founded on principles of perfect equality and reciprocity. By the adoption of these principles they have endeavored to relieve themselves from the discussions, discontents, and embarrassments inseparable from the imposition of burdensome discriminations. These principles were avowed while they were yet struggling for their independence; are recorded in their first treaty, and have been adhered to with the most scrupulous fidelity."

MUTUAL ADVANTAGES OF A HOME MARKET.

The considerations which have led many American statesmen to advocate a "protective" system, and establish "home markets,"

dictate the adoption of unrestricted intercourse with the Provinces. A "home market" is the market nearest home, and this is furnished by our respective possessions to each other at every point of our neighboring or co-terminous territory.

ADVANTAGES OF A CONTINENTAL OR AMERICAN POLICY APPRECIATED BY BOTH POLITICAL PARTIES.

The recent increase of facilities for communications by canals, railroads, bridges, steamboats, and telegraphs, assisting the transfer of merchandise, the travel of passengers, and the free interchange of thought between the United States and the British provinces, add to this policy a value which we cannot estimate too highly, and of which we cannot foresee the future greatness. Long before these additional considerations pressed upon public attention and brought home a knowledge of our true continental policy to almost every inhabitant of our vast northern frontier, by the common experience of his daily life, the exceptional character of our natural relations with the Provinces had been duly observed by those American statesmen who have advocated a protective policy.

OPINIONS AND TESTIMONY OF HENRY CLAY.

Among the foremost advocates of this system was Mr. Clay, who in his letter dated October 11, 1826, to Mr. Vaughan, alike expressed his own convictions and added his valuable testimony to the uniformity of opinion among American statesmen in his time, and of the policy by which this government has always been guided. He said in his letter to Mr. Vaughan, dated October 11, 1826, "the government of the United States has always been anxious that the trade between them and the British colonies should be placed on a liberal and equitable basis. There has not been a moment since the adoption of the present Constitution when they have not been willing to apply to it principles of fair reciprocity and equal competition."

UNANIMITY OF THE AGENTS APPOINTED BY THE TREASURY OF THE UNITED STATES.

Mr. Hatch maintains "that no commercial arrangement can be permanently advantageous to one party without being so to both; that the basis of virtual, if not of literal, reciprocity is the only solid ground of international relations; and that the increased prosperity of one of the family of nations only offers an enlarged market for the industry and an expanded field for the commerce of every other," and that with reciprocal free trade we should present to the world the "sublime example of two contiguous nations abandoning suspicion of injury from each other, and practicing in their intercourse the best principles professed in modern civilization."

To these opinions Mr. Taylor gives a hearty assent, quoting, in his support, the opinions of various eminent statesmen. He presents to the consideration of the government of the United States the removal of all restrictions upon the commerce of these kindred communities,

and brings forward a suggestion which has long engaged the attention of many intelligent men on both sides of the frontier—to extend the principle of reciprocity to manufactures as it now exists in raw or unmanufactured products, and "*establish an American Zollverein, each country adopting the policy of unlimited free trade with the other.*"

COMPLETE RECIPROCITY RECOMMENDED BY THE CANADIAN PARLIAMENTARY COMMITTEE IN 1858.

The same plan has, on more than one occasion, received the sanction of the Canadian parliamentary committee on commerce. In 1858, taking cognizance also of the restrictions checking the mutual intercourse of the different provinces which have been aptly termed "countries foreign to each other without diplomatic relations," the same committee advised the removal of all duties on the productions of the British Possessions in America, so that "precisely the same principle as exists in the intercourse between the different States of the American Union may be established in these colonies," and also that "*the principle of reciprocity with the United States may be extended to manufactures, the registration of Canadian and United States built vessels, and to the shipping and coasting trade, in the same manner as to the productions of the soil.*"

In the Canadian parliament a desire has frequently been expressed to do away with the four or five currencies and the four or five different tariffs now existing in the Provinces, and to remove obstacles to trade with the United States, thereby mitigating many evils which are injurious to the national interests of the Provinces, and tend to dwarf the minds and patriotism of their people. It will be impossible to say how far these opinions prevail in Canada, until some more efficient indication on our part has been given of a desire to reciprocate this policy fully and cordially, and to liberate the people on both sides from the present oppressive restrictions. The market to be created by free access to our citizens for all the products of Canadian industry is duly appreciated by many influential men in all parts of the Province. In Upper Canada the chief journals of both political parties are alike in favor of a liberal system of commerce with the United States, although many inequalities and much injustice towards this country now exist in consequence of the adverse and restrictive policy of Canada, adopted since the date of the treaty.

FORMER REVENUE ON ARTICLES MADE FREE BY THE TREATY.

The amount contributed to our revenue by taxes on Canadian products on articles rendered free by the treaty was, during the previous year, nearly $1,300,000, while the amount contributed to the Canadian revenue on the corresponding articles was less than $200,000.*

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* As nearly as can be ascertained.—See report of Canadian Commissioner of Customs.

VALUE OF CANADIAN PRODUCTIONS INCREASED TWENTY PER CENT. BY THE TREATY.

Here the special operation of the laws of political economy is worthy of note. Superficially, it is said that the markets of Europe regulate for agricultural productions the markets of this continent, and that the duty remitted on Canadian products was a saving to the pockets of our people; but the products of Canada and our relative position and requirements are such that the United States possess, to some extent, a monopoly of the Canadian market as purchasers of the products of the field. For cattle, sheep, swine, the coarse grains, and certain kinds of lumber, we constitute for Canada the only market worthy of naming; and the wheat of Canada, from its peculiar adaptation to our uses, was largely sold to us before the treaty. Of the large amount of wheat received at Toronto, the metropolis of Upper Canada, in 1859—the last year of which we possess any authentic statistics on the subject, which have been published—only two per cent. were sent *via* the St. Lawrence; the rest having been received at Oswego and other American ports ;* and that the duties (of 20 per cent.) were, in effect, paid by the Canadians prior to the treaty is incontrovertibly established by the report of the select committee on commerce, appointed by the legislative assembly of Canada in 1858, testifying that the effect of the repeal of discriminating duties on grain imported into Great Britain was "to depreciate the value of all articles grown or produced in Canada 20 per cent. under the value of like articles grown or produced in the United States, and this difference in value continued up to the year 1854, (the year of the treaty,) a period of nearly nine years."

RIGHT OF THE UNITED STATES TO A JUST RECIPROCITY.

The "reciprocity treaty" is thus shown to have been productive of extraordinary advantage to Canadian industry, which is chiefly employed in agricultural pursuits. From Canada, as from the newer States of this Union, the chief articles of export are raw products; but a considerable share of the exports naturally made from the United States to Canada consists of the products of manufacturing industry; and it does not admit of any doubt or question that commercial reciprocity, apart from the confusion arising from a conventional and technical construction of the words—actual reciprocity of commerce between the two countries—implies a free and fair exchange on equal terms of all the products of labor in both. In admitting Canada to the commercial advantages she would enjoy if she were a State of this Union, we have a right to expect from her in return the same commercial privileges which each State of the Union confers upon the others.

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* See report of Canadian Commissioners of Public Works, page 7.

CANADIAN MINISTER OF FINANCE OFFICIALLY AVOWS A POLICY ADVERSE TO RECIPROCITY WITH THE UNITED STATES.

It was indeed expected, when the treaty was made, that Canada would continue to impose moderate duties upon American manufactures; but if at that time she had announced a determination to enact laws especially discriminating against all forms of our industry, except those which are nominated in the bond, the benefits we have conferred upon her would never have been granted, nor can she expect their continuance beyond the time required by the treaty. Yet this tendency and intention to isolate herself and exclude us, except so far as we may be purchasers of her products, was not only commonly proclaimed by a large party in the Province, but was officially avowed by the Canadian Minister of Finance,* and various alterations have been made in the method of levying duties on merchandise of foreign origin for the avowed purpose of checking the trade of New York and Boston.

CANADIAN TAXATION OF AMERICAN PRODUCTIONS IN CONTRAST.

The statistics of the Canadian government show that for the first three years after the treaty Canada taxed forty-five times as large an amount of American productions as the United States taxed of Canadian productions. Since that time our exports of manufactures to Canada have diminished. Having deducted from the importations from Canada into this country the articles of iron, hardware, and salt, as they are not produced for exportation in Canada in appreciable quantities, but are evidently of foreign origin, the following is a tabular statement for each fiscal year since the treaty went into full effect to January 1, 1861:

	1856.	1857.	1858.	1859.	1860.
Products of the United States on which duty was paid in Canada.	$7,981,284	$6,203,390	$4,594,503	$4,197,316	$4,425,001
Products of Canada on which duty was paid in the United States.	136,370	160,086	119,358	173,478	174,259
Value of American products charged with duty in Canada above that of Canadian products charged with duty in the United States.	7,844,914	6,043,234	4,405,145	4,023,838	4,250,742

THE UNITED STATES TAX CANADIAN PRODUCTIONS ONLY $40,000, WHILE AMERICAN PRODUCTIONS ARE TAXED $1,000,000, ANNUALLY IN CANADA.

While we have levied annually since the treaty only about $40,000 on Canadian productions,† the average amount of duties levied on American productions in Canada has been more than $1,000,000 annually.

* See report, May 1, 1860, pp. 34, 36, and elsewhere.

† The foregoing table is too favorable to Canada, and includes many articles evidently not of Canadian origin.

If the policy of the United States towards Canada had been founded upon the theory of free imports only, our objections to this state of things would have no weight, but as our intention was to act upon the principle of reciprocity in the common sense of the term, the giving and receiving of equivalents on each side, any intentional adoption of the spirit of isolation or exclusion on either side is a departure from that system of mutual liberality and profit which the treaty was intended to inaugurate.

INTENTIONS FORMERLY EXPRESSED IN CANADA.

In those diplomatic positions where official changes are frequent, and where those who are the chief agents in important negotiations are frequently removed to distant spheres of labor, verbal understandings are readily forgotten; but when delay occurred in the negotiations leading to this treaty, Canada, through the British minister at Washington, emphatically declared "*the disappointment was the greater, inasmuch as the Canadian government has always adopted the most liberal commercial policy with respect to the United States, as well in regard to the transit through its canals as in regard to the admission of manufactured goods coming from this country,*" and alleged, upon the official authority of the Canadian government, that if the natural products of Canada should be admitted duty free, that government would be willing to carry out still further the same liberal commercial policy already pursued towards the manufactures of the United States, adding that, in the event of our refusal, "the Canadian government and legislatures are likely forthwith to take certain measures which, both in themselves and their consequences, will effect a considerable change in the commercial intercourse between the Canadas and the United States."

NATURAL EXCHANGES OF CANADA AND THE UNITED STATES.

Canada is in many respects like our new northwestern country, her farms and forests yielding a great variety of products, which under a fair system of reciprocity would be exchanged for articles manufactured in the eastern and older States. So different are the relative circumstances of the two countries, that, under the moderate Canadian tariff in operation when the treaty was made, we exported to Canada manufactures to the value of nearly eight millions of dollars in one year, while the manufactures of Canada sold to us have never exceeded about one hundred and fifty thousand dollars in value, so far as they can be ascertained. The free admission of the products of Canada is injurious to our farming and lumbering interests, while our manufacturers, shippers, and merchants are attacked by the unjust and restrictive laws of that province.*

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* See report of J. D. Colver, 1860, adopted by the Chamber of Commerce at Milwaukie.

UNFAIR SYSTEM OF CANADIAN TOLLS DISCRIMINATING AGAINST THE UNITED STATES.

Under the stipulations of the treaty Canada granted the use of her canals to American vessels on the same terms as those enjoyed by British vessels. The Welland canal, connecting Lakes Erie and Ontario, is extensively used by American shipping. Under an enactment of 1860, if vessels and goods having paid toll on the Welland canal enter the St. Lawrence canals or any Canadian port, all except ten per cent. of the Welland charges is refunded; thus creating a discrimination of ninety per cent. against vessels going to American ports, besides a free passage through the canals of the Galops, Point Iroquois, Rapid Flat, Favian's Point, Cornwall, Beauharnois, and Lachine—a discrimination against the forwarders and millers of Rochester, Oswego, and Ogdensburg, the carrying systems of New York, and the shippers and merchants of that port. In the same way, vessels from Canadian ports on Lake Ontario or the St. Lawrence are charged only one-tenth of the Welland tolls exacted if they pass from American ports.

These enactments are evidently inconsistent with our just expectations. They clearly discriminate in favor of the route *via* the St. Lawrence, and against the great carrying systems of the United States. By thus throwing off a large amount of its revenue, and at the same time unnecessarily assuming large debts already incurred by municipal incorporations for a similar purpose, the Canadian government has lost all claim to the plea frequently urged on its behalf, of financial necessity, as a reason for its high tariffs on American manufactures.

THE LATE GOVERNOR GENERAL OF CANADA REPRESENTS DISCRIMINATING TOLLS AS A FREE TRADE MOVEMENT.

Although the policy of Canada in reference to her canals is thus plainly restrictive and adverse to American shipping and ports, Sir Edmund Head, lately the governor of the province, in a despatch to the Secretary of State for the Colonies of Great Britain, dated July 26, 1860, represented these discriminating measures, subversive of the intentions of the treaty, as steps towards greater freedom of trade.

CANADIAN SYSTEM OF FREE PORTS.

Canada is also deprived of the plea of insufficient revenue, the excuse usually alleged by the apologists for her adverse tariff, by having given up the collection of customs' duties in different parts of her territory, throughout lines of frontier extending for some thousands of miles, evidently to the injury of her revenue and our own.

By proclamation dated November 30, 1860, and published in the Canadian Gazette, it was officially declared, in pursuance of an act of the provincial parliament, passed the previous session, that the harbor of Gaspè Basin, in the gulf of the St. Lawrence and on the southern side of that river, was constituted a free port, where goods, wares, and merchandise of every description may be imported either for consumption or exportation without being liable to any duties of

customs; and the limits of this port were practically extended so as to include so much of the promontory on the southern side of the St. Lawrence as is eastward of a line formed by and from the river Nouvelle, in the bay of Chaleur, to the headwaters of the river Chatte, and thence down that river to the river St. Lawrence—a region which, measuring from its chief headlands, has a sea-coast of about 220 miles; and the privileges thus conferred upon this section of the district of Gaspè are also extended to the Magdalen islands and the island of Anticosti, and also to the north shore of the river St. Lawrence from Point des Monts eastward to the eastern limits of Canada on the coast of Labrador, including an additional line of sea-coast of more than five hundred miles,* measuring on the water from the chief headlands; the whole, following the line of indentations on the shore, presenting a sea-coast of 1,200 or 1,500 miles, where goods from all parts of the world can be bought free of customs' duties at the entrance to the river St. Lawrence, and near the other British Provinces and the United States.

It is more important to the United States that by a similar proclamation another "free port" has been established, under the name of the port of Sault St. Marie, so as to include practically not only that port itself, but also nearly the whole Canadian coast of Lakes Huron and Superior, beginning at the point of intersection of the principal meridian line with the waters of Lake Huron, extending westerly and northerly along the line of Canada to the westerly boundary of the Province, and including the adjacent islands. All goods, wares, and merchandise from any part of the world can be brought into this port, and thence exported or taken to any part of a coast which, by land measurement, commencing from the chief headlands, is not less than 400 miles, and including the islands is more than 1,000 miles in extent. A wholesale merchant from the northwestern States, or the region of the lakes, may purchase goods in bond in New York, convey them free of duty to Sault St. Marie and the territory fiscally attached to that port, and thence smuggle them into the United States—a process of which the risk of insurance by responsible parties is asserted to be no more than from five to ten per cent., according to the nature of the commodities themselves.

Besides the injury which such a state of things must inflict upon the revenue of the United States, and the great expense of maintaining a sufficient number of officers to check illegal traffic, injuries no less serious will arise from the demoralizing influence of the vast army of smugglers which in a few years will thus be called into existence, and who, both by day and night, will be engaged in a system of continual secret warfare against the laws of the United States.

FISCAL REASONS FOR A CONTINENTAL SYSTEM.

A valid reason for a fiscal system which should embrace the whole American continent is to be found in the extreme difficulty which

* The extent of these free ports has been carefully estimated from maps published under the official authority of the Canadian government; and it is intended, as no accurate measurement can be given, to give too low rather than too exaggerated a statement.

must always attend the collection of revenue on both sides of any boundary in the interior, and the comparative ease with which smuggling on the Atlantic coast can be prevented. An army of functionaries, maintained at vast expense, would be needed on both sides of our northern frontier, if under a system of retaliation, aiming at injury to each other, each nation should endeavor to promote a system by which the revenue of the other will be defrauded of its just dues.

DEBT OF CANADA CREATED IN EFFORTS TO DIVERT THE TRADE OF THE UNITED STATES.

While it is to be regretted that the Canadian government, having thought proper to diminish its own revenue in various methods known to be injurious to the revenue and commerce of the United States, should also have relied for its own revenue chiefly upon a tariff avowedly adverse to the interests of the United States, although many other usual sources of revenue remained untouched, the justice of this complaint becomes yet more clear upon examination of the report entitled "Canada, 1849 to 1859, by Hon. A. T. Galt, finance minister of Canada, 1860," showing that the direct public debt of the province then amounted to £8,884,672, or $43,001,812; all of which, except $107,796, was contracted by making canals and railroads in Canada to compete with American interests, and in fruitless but persistent efforts to divert the trade of the western States from the natural channels it had already formed.

OFFICIAL AVOWAL OF DISCRIMINATING DUTIES AGAINST THE MERCHANTS AND CARRIERS OF THE UNITED STATES.

Mr. Galt thus explains the change in the method of levying duties so as to divert trade from the ports of the United States:

"By extending the *ad valorem* principle to all importations, and thereby encouraging and developing the direct trade between Canada and all foreign countries by sea, and so far benefiting *the shipping interests of Great Britain*—an object which is partly attained through the duties being taken upon the value in the market where last bought—the levy of specific duties for several years had completely diverted the trade of Canada in teas, sugars, &c., to the American markets, (our Atlantic cities,) and had destroyed a very valuable trade which formerly existed from the St. Lawrence to the lower provinces and West Indies. It was believed that the competition of our canals and railroad systems, *via* Portland, together with the improvements in the navigation of the Lower St. Lawrence, justified the belief that the supply of Canadian wants might be once more made by sea, and the benefits of this commerce obtained for our own merchants and forwarders. Under this conviction, it was determined by the government to apply the principle of *ad valorem* duties."

SPECIAL EXEMPTIONS IN FAVOR OF THE GRAND TRUNK RAILROAD.

In pursuance of this discriminating system, it was also provided (see Consolidated Statutes of Canada, chap. 17, sec. 24) that the gov-

ernor of Canada, by a departmental order, might discriminate in favor of particular routes through the United States—a singular violation of the comity or hospitality of the United States in extending unusual facilities not required by any treaty for the transfer of goods on the Grand Trunk railroad, *via* Portland, into Canada.

VALUE OF THE ST. LAWRENCE HITHERTO.

During the debates in Congress on the subject of the treaty, great stress was laid on the use of the St. Lawrence. One honorable member, expressing only the general expectation of many others, said:

"The free navigation of the St. Lawrence is only necessary to show us, in the fall of every year, long lines of vessels seeking the Atlantic, through Canada, laden with western produce, and in the spring making their way back with foreign wares, and with the avails of profitable labor for nearly half a year."

Hope seldom told a more flattering tale than on this subject. Sixteen hundred vessels, with an aggregate burden of 400,000 tons, were, so long ago as 1856, employed on our northern "inland seas;" but from the date of the treaty to 1860, a period of nearly six years, only forty American vessels, with a burden of no more than 12,550 tons, passed seaward through the St. Lawrence, and less than one-half of them ever returned, while in 1857 alone no less than 109 British vessels cleared from Chicago alone, on Lake Michigan—a privilege which they only enjoy by means of the treaty.

Remembering that the treaty had no practical effect until 1855, the following table of the imports and exports into and from Canada, *via* the St. Lawrence, from 1853 to 1859, inclusive of those years, affords the best data for an accurate comparison of the value of the St. Lawrence and those routes through the United States through which free transit was granted to Canadian productions by the treaty. It is compiled from the official returns published by the Canadian government.

Comparative imports and exports into and from Canada, by way of the St. Lawrence river, from 1853 *to* 1860, *inclusive.*

	Imports.	Goods in transitu for United States.	Exports.
1853*	$19, 268, 260	$1, 047, 964	$15, 556, 594
1854	21, 171, 735	495, 326	14, 709, 621
1855	11, 494, 028	18, 014	8, 195, 500
1856	15, 319, 361	13, 492	11, 817, 137
1857	14, 561, 884	183, 789	13, 756, 786
1858	10, 795, 077	26, 916	9, 727, 413
1859	11, 472, 754	76, 314	8, 983, 773
1860	13, 527, 160	21, 505	8, 400, 096

* We find no statistics on this subject previous to 1853.

Since 1855, the first year when freedom of import, export, and transit through the United States was granted to Canada for all her

NATURAL RESULTS OF THE TREATY AND ITS ABROGATION.

A great and mutually beneficial increase in our commerce with Canada was the natural and primary result of the treaty. Many causes of irritation were removed, and a large accession to our trade was acquired, through the treaty, with the Maritime Provinces.* Arguments founded upon the results of the treaty, as a whole, with the various Provinces, have a valid and incontrovertible application against the unconditional and complete abrogation of the treaty, so far as it refers to Provinces against which no complaint is made. The isolated and disconnected condition of the various governments of these Provinces towards each other, and the absence of their real responsibility to any common centre, are little understood. No fault is found with the acts of Newfoundland, Prince Edward's Island, Nova Scotia, and New Brunswick. These separate Provinces and that of Canada have each a separate tariff and legislature, and neither of them is accountable to or for any other. An abrogation of the treaty, as a whole, would therefore be a breach of good faith towards the other Provinces, even if it were expedient to adopt such a course towards Canada, but no advantages gained by the treaty with the Maritime Provinces can be admitted as offsets in favor of Canada. Each Province made its own bargain, and gave and received its separate equivalents.

EXPORTS AND IMPORTS BETWEEN CANADA AND THE UNITED STATES.

The following presents a comparative view of all the imports and exports to and from the United States and Canada from December 31, 1849, to January 1, 1861:

	1850.	1851.	1852.	1853.	1854.	1855.
Imports into Canada	$6,594,860	$8,365,765	$8,477,693	$11,782,147	$15,533,097	$20,828,676
Imports into the United States	4,951,159	4,071,544	6,284,521	8,936,382	8,649,002	16,737,277
Excess of imports into Canada	1,643,701	4,294,221	2,193,172	2,845,765	6,884,095	4,091,399
Other imports into U. States†	982,083	845,833	1,251,632	1,789,073	1,769,880	3,265,013
Estimated excess of imports into Canada from the United States above Canadian imports into the United States	661,618	3,448,388	941,540	1,056,692	5,114,215	826,385

	1856.	1857.	1858.	1859.	1860.
Imports into Canada	$22,704,509	$20,294,650	$15,635,565	$17,592,916	$17,273,029
Imports into the United States	17,979,753	13,276,436	11,930,094	13,922,314	16,427,968
Excess of imports into Canada	4,724,756	7,018,214	3,705,471	3,670,602	.....
Other imports into United States†	2,238,900	1,556,205	1,443,044	1,664,603	2,270,430
Estimated excess of imports into Canada from the United States above Canadian imports into the United States	2,485,856	5,462,009	2,262,427	2,005,999	1,115,491

* See Appendix Nos. 1 and 2.

† These amounts are named in the statistics published under the sanction of the Canadian government as returned not reported at *inland* ports in Canada, and it may be inferred were chiefly sent to the United States.

The following table shows the imports and exports between Canada and the United States of articles free under the treaty to January 1, 1861:

	1855.	1856.	1857.	1858.
Imports into the United States from Canada.	$16,476.093	$17,810,684	$17,812,308	$11,514,364
Imports into Canada from the United States.	7,725,561	7,909,554	8,642,030	5,564,615
Excess of imports free under the treaty in favor of Canada	8,750,532	9,901,130	4,170,278	5,949,749

	1859.	1860.	Totals.
Imports into the United States from Canada..	$15,289.070	$20,365,829	$94,268,348
Imports into Canada from the United States..	7,106,116	7,069,689	44,017,565
Excess of imports free under the treaty in favor of Canada	8,182,954	13,296,140	50,250,783

CONTINUED INCREASE IN CANADIAN TARIFFS SINCE THE TREATY, AND THEIR INJURIOUS EFFECT ON OUR NORTHERN FRONTIER.

During this unequal condition of trade few complaints were made until the Canadian tariff of 1859 was enacted. Until that time, when a tariff against American manufactures reached its maximum, Canada had increased her tariff every year since the treaty, as will be seen by the following sketch of the Canadian tariff from 1855, the year when the treaty went into effect:

Articles.	1855.	1856.	1857.	1858.	1859.
	Per cent	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*
Molasses	16	11	11	18	30
Sugar, refined	32	28	25	26½	40
Sugar, other	27½	20	17½	21	30
Boots and shoes	12½	14½	20	21	25
Harness	12½	17	20	21	25
Cotton goods	12½	13½	15	15	20
Iron goods	12½	18½	15	16	20
Silk goods	12½	13½	15	17	20
Wool goods	12½	14	15	18	20

The duties now levied in Canada on many of our manufactures—such as boots and shoes, harness and saddlery, wearing apparel, &c.—are a hundred per cent. heavier than in 1854, when the treaty was signed, and on nearly all our other manufactures—such as woollens, cottons, leather, hats, household furniture, hand-bills, glass, agricultural implements, edge tools, fire-arms, carriages, nails, and other hardware, India-rubber goods, manufactures of brass, copper, lead. tin, &c., and almost all our other manufactures—it has been increased sixty-two and a half per cent. The injury thus inflicted upon our people is avowed by the Hon. A. T. Galt, the financial minister of

Canada, to be "no subject of regret to the Canadian government." The tariff of which Mr. Galt speaks with so much complacency extinguished the trade of our frontier cities with Canada in their own manufactures. Many manufacturing establishments on our side dismissed their workmen and were closed, and many were removed to Canada in order to avoid the payment of duty on their productions.

It can create no surprise that much indignation was excited, without exception, in all those cities on the Canadian frontier which are daily and hourly witnesses of the one-sided nature of our dealings with Canada in the products of American labor. Some parts of Buffalo, for instance, are scarcely half a mile from the Canadian shore. Fort Porter, until lately unoccupied on this side, and Fort Erie, in ruins on the other, attest the long cessation of warlike aggression on both sides. But the natural benefits of peace do not exist. Under the full operation of these causes Buffalo would be the commercial and manufacturing metropolis of a large region in Canada, greatly for the common good. With a view to this natural advantage she advocated the enactment of this treaty. She expended large sums of money on a railroad extending across Canada from Niagara river to Lake Huron, and has been ready to assist in constructing a bridge over the river. Many of her citizens, and those of Rochester also, have been compelled by the Canadian tariffs to leave their homes and remove their families to Canada. The daily and hourly view of a country close to their own doors, and into which their manufactures and goods are almost forbidden to enter, although the chief products of that country are admitted free of duty, under the name and disguise of "reciprocity," into all ports of the United States, must be a cause of frequent irritation to the citizens of Buffalo, and in the early periods of this discussion such projects of a retaliatory policy naturally arose as, from other points of view, seem less likely than more moderate counsels to accomplish the desired object.

REMONSTRANCES FROM BOARDS OF TRADE IN CANADA WEST.

The origin of the tariff, tolls, and discriminating duties, of which the people of our northern States complain, is not with their neighbors of the Upper Province, who have always opposed this legislation, but with those of the Lower Province, who have endeavored, in violation of the laws of trade, to force the trade of Canada West and of the western States to Montreal and Quebec, instead of allowing New York and Boston to compete on equal terms with the ports on the St. Lawrence. As the chief exports of Canada to the United States are made from the Upper Province, to stop the importation of these productions into the United States would injure most that section of Canada against which no complaint has been made.

The chief cities of Canada West, through their boards of trade, presented petitions against the objectionable tariff, of which the following is an example:

"Your petitioners are of opinion that so uncalled-for and unwise a scheme is calculated to affect the existing pleasant commercial relationship between Canada and the United States in the working of the reciprocity treaty, the great advantage of which to this province is

well known to your honorable house, inasmuch as the proposed policy of the inspector general practically shuts the door to the admission into Canada of the leading articles of commerce hitherto purchased in the great markets of the United States, and *forcing Upper Canada to import via the St. Lawrence, or otherwise pay an enormous increase of duty.*"

RETALIATION CONSIDERED.

Commercial retaliation is justified by the highest authorities and precedents, but only when it is the best course towards the desired end. It is not always the shortest or safest road to our objects. As in a war of arms, so also in a war of legislation, the influence of reason is diminished. Passion and prejudice are excited, and, often, in pursuit of a temporary and doubtful gratification, we commit lasting and incurable evils. It may turn friends into enemies, and strengthen our opponents. As in the common business of life, and in reference to conflicts of any kind, so also on this occasion, some effort at negotiation should be made before recourse is had to hostilities. A friendly feeling assists negotiation, and in this case more than half the permanent value of victory is in the sentiment of concord, if for no other reason than that moral forces have great material power. Besides, there is difference of opinion among ourselves as to the justice of retaliation, but *from one end of our frontier to the other there is practically no difference of opinion as to the object to be gained for the mutual benefit of Canada and ourselves—a reciprocity of commerce not only in name but in substance, giving neither party the vantage ground.**

LEGISLATION SHOULD PROMOTE SUBSTANTIAL RECIPROCITY.

The adoption of this policy on both sides would at once put an end to many causes of expense and irritation.. The material barriers which have divided the people of the British provinces from those of the United States have already been practically removed by the increase of neighboring settlements and the progress of modern methods of intercourse by means of steam and electricity. In the power of these agents we have a guarantee for the indestructibility of the beneficent civilization we desire to establish; and from their agency, seconded and advanced in mutual alliance by the power of the printing press, arises from one end of the northern frontier to the other an universal knowledge of the advantages to be gained in both countries by a removal of the legislative barriers to our commercial and social intercourse with the Provinces, in pursuance of a settled policy, based upon a just regard to their interests and rights. Let practical legislation secure the beneficent results of this wisdom.

PREVALENT OPINIONS THROUGHOUT THE NORTHERN FRONTIER OF THE UNITED STATES.

In Minnesota and Dakota, where a knowledge of the climate and fertility of the British northwestern Possessions prevails, a strong and uniform feeling as to the value of this commerce exists. At Milwaukie, the chamber of commerce reported in favor of reciprocity,

* See report of Detroit Board of Trade.

but stated its inability to discover any fair or equitable equivalents for the present advantages given by us to Canada. Chicago, conscious that, by the interposition of the great chain of lakes stretching northward from her through seven degrees of latitude, she is the "inevitable gateway to and from the British Possessions in the northwest," and that, being within striking distance of the navigable waters falling into the Gulf of Mexico, and having both railway and water communication with it, she will collect within her storehouses the products of every zone, as the great commercial metropolis between the north and south, the east and west,* "demands even a much more liberal reciprocity treaty." Detroit, of which the neighboring region of Canada is naturally a suburb or a part, finds that the sale of her manufactures and goods of foreign origin is almost prohibited in Canada, while the winter wheat and other products of her State meet those of Canada in eastern markets free of duty. Her Board of Trade expressed its preference of a cessation of intercourse with Canada to the present system, but is in favor of a fair and equal reciprocity. Cleveland desires a complete and harmonious development of the resources of each country. Buffalo and Rochester see, in their proximity to the coal of Pennsylvania, and the absence of this valuable mineral in the geological formations of Canada West, and in other causes, an inexhaustible source of mutually profitable commerce between themselves and Canada, but cannot deem that system reciprocally free which admits the products of the Province free of duty, but closes American manufactories and removes them to a foreign country. At Oswego, the Board of Trade declared itself in favor of a Zollverein. Ogdensburg, ever liberal towards Canada, finds itself, like the other frontier cities, permitted to buy from, but prevented from selling to, that Province. The interests of Maine, necessarily, from her geographical projection into the territory of the Provinces, tend strongly towards commercial unity with the Provinces. No State is more interested than Massachusetts, whose manufacturing industry would thus become free throughout the entire north. The conclusion at which the people of the frontier have thus unanimously arrived has not been reached at any moment of passing excitement. It is the deliberate opinion of practical men, whose daily interests are involved in the question, who perceive that the attainment of the objects at which they aim may be retarded, but cannot be prevented, and who ask of the statesmen of their country to cast the sentiment of the frontier into a useful and permanent form, by the removal of restrictive laws, and by opening such channels of trade as, beginning at the frontier, will enrich the interior of their various States, concentrating wealth and commerce at our seaports, increasing our shipping, and adding materially to our national resources.

OUR MUTUAL INTERESTS.

The British Possessions on this continent have a population nearly equal in number to that of our Union at the time of its origin, and

* Report of the Board of Trade at Chicago.

nearly twice as large as that of the seven originally seceding S ates. Sprung from the two great rival nations of the Old World, their people so closely resemble our own that they mingle with us unobserved, and almost without distinction, in our daily thoroughfares, wondering, it may be, why they and their vast country, close to our own doors, should have less importance, as may superficially appear, in the estimation of the United States, than has been awarded to the small and remote island of Japan and its oriental inhabitants, on whom we have lavished large sums for luxurious entertainments and costly embassies.

It is computed that Canada alone, if her past and present rate of increase is continued, will have twenty millions of inhabitants at the end of this present century, numerically exceeding the population of Great Britain when this century began.

Adding our own territories to those of Great Britain on this continent, we find that instead of discussing only the interests of a few frontier cities, our attention is directed to the commercial relations of one-eighth of the habitable surface of the world. There is no part of the globe where greater natural advantages await the use of civilized man.

Such are the physical proportions of the subject, but the political ideas and moral agencies which public opinion desires to apply to it are yet more comprehensive, sublime, and perpetual. It seeks a unity "not of governments but of people." It desires to extend to the Provinces and ourselves the same system of mutual and material benefits which has been found so beneficial to the various States of this Union. It is the system by which the present enlightened rulers of England and France are endeavoring to reverse the political estrangement of "those two great nations whose conflicts have often shaken the world, by undoing for their purpose that which their forefathers did for a different purpose, and pursuing, with equal consistency, an end that is more beneficial."*

The Provinces may be said to be foreign countries, but each of them is less distant from the United States than many of our own States are from each other; and while Providence has thus made us neighbors, and by the indentations of our respective territories has rendered mutual rights of transit almost necessary to both, it has also given to us, as northern and southern nations, so great a variety of climate and productions as to render us capable of conferring upon each other such benefits as we cannot estimate too highly. The timber, wheat, and other grains, water power and fisheries of the Provinces, furnish abundant material of beneficial exchange for the corn, cotton, tobacco, coffee, sugar, fruits, and mineral wealth of the more southern portions of this continent.

With full development of these material interests, social relations and the beneficial interchange of ideas will increase. It was an object worthy of European statesmen, and honorable to our common nature, to eclipse the glories of former history by endeavoring to substitute between France and England the realities of peace and those

* See the memorable speech of Mr. Gladstone, chancellor of the British exchequer, February 10, 1860.

true and mutual interests which, when understood, are always found to be harmonious, for the memories of false glory and "a policy founded upon war, conquest, expenditure, and patronage." To us a wider and clearer field is open on a new continent. We and the British provinces, young as nations, are comparatively unimpeded by petty interests and hostile traditions. A policy based upon the best and surest foundation will grow with our growth and strengthen as we become stronger. The traveller on our joint frontier has been accustomed to see our forts in ruins or without garrisons. The standing armies of Europe are computed to include more than 3,000,000 of men, withdrawn permanently from productive pursuits. Less than 20,000 men have hitherto sufficed for defence on both sides of our frontier.

In the Old World the enormous evils resulting from the system of isolation, although deplored by all who deserve the name of statesmen, have been continued through mutual ignorance and fear, forming a vast international aggregation of crimes which all civilized men abhor in detail and among individuals; for war, when it is the habitual condition of mankind, bequeathing legacies of hatred and revenge from one generation to another, is not only demoralization and death to multitudes of men, but brings with it degradation, misery, and vice to women and children. It is adverse to those social and domestic ties by which all real civilization is connected.

If the treasure and lives of men wasted by mutual destruction in Europe, since the discovery of America, had been spent in a war upon the wilderness we are considering, instead of a war upon mankind, many other new and prosperous states would now have existed upon this continent. The annual expense of government in Great Britain alone, with a population of nearly the same number as that of the United States, is more than three hundred and fifty millions of dollars. Taking only one item from the vast European and Asiatic aggregate of military expenditure, and applying it to a subject which has frequently engaged the attention of the American people, it is computed, upon medium estimates, that the amount now remaining as the national debt of Great Britain alone would suffice to construct fifty railroads from the cities of the western States to the Pacific ocean.

It is not Utopian to believe that the world may be better governed than it has been heretofore, or that nations, for the purposes of peaceful policy, should avail themselves of the new discoveries and material agencies known and useful to individuals in common daily life.

Free intercommunication and the great material interests of our continent are, under a wise guidance, the true medium for its government. Instead of garrisons and armies, our policy should be to substitute those mutual interests and quiet forces by means of which each individual, even when he seeks only his own personal welfare, is, perhaps unconsciously, subserving the great decrees of Providence.

THE ZOLLVEREIN, OR GERMAN COMMERCIAL UNION—ITS ORIGIN, SUCCESS, EXTENSION, CHARACTER, AND TENDENCIES.

By adopting the principles embodied in the *Zollverein*, or Prussian confederacy of the German States, we and the British Possessions

can obtain all the commercial advantages of union without political entanglement, leaving each country free to practice in its own self-government such rules as it believes to be most in accordance with the genius of its people, and best adapted to promote its own interests.

The principle of the *Zollverein*, *Toll-Alliance*, or *Customs' Union*, is an uniformity among its component States as to IMPORTS, EXPORTS, and TRANSIT.

It allows and encourages among its members as complete freedom of communication and exchange as exists between different counties of the same State, or between different States of the American Union, and commends itself to the approbation of all who comprehend the spirit of the age. It facilitates the collection of revenue, by collecting only on the frontier of its confederated States. The payment of duties in one of the States is sufficient to procure a free sale or transit in each other, and the revenue was originally divided among its members in proportion to the number of their respective inhabitants.

In the United Kingdom of Great Britain and Ireland the custom-house laws which formerly separated Scotland and Ireland from England have been superseded by a general system of taxation applicable to the whole. In France, local barriers have given way to a general system of taxation. These two empires have now entered upon a system of legislation for their mutual benefit; but the *Zollverein* itself arose in Germany.

The wisdom of its founders is demonstrated by the great test of time. No material alteration has been made in the principles, or even in the details, of the laws established at its origin. Many additional States have voluntarily become members of its Union.

It began in 1818—forty-four years ago—when Prussia formed a commercial union with a few minor States. The alliance arose from no hostility to other powers, but from a desire to get rid of those obstacles to intercourse which separate fiscal laws created among people whom natural feelings and commercial interests would otherwise connect more intimately together. The Prussian tariff of 1818 was adopted.

In 1834 the experience of its benefits had given strength to its influence. Statesmen perceived that Prussia had, by her liberal policy, conferred upon Germany advantages second only to those she had initiated by the diffusion of education and intelligence. At that time the Zollverein was joined by other states, and thenceforward included Prussia, Bavaria, Saxony, Wurtemburg, the Grand Duchy of Baden, the Electorate and also the Grand Duchy of Hesse, and the Thuringian Association; representing, in all, a population of 26,000,000. It was regarded by philosophic minds throughout Europe as having brought many liberal and patriotic ideas out of the realms of hope and fancy into those of positive and material interests.

The political consequences which must arise from it did not escape the notice of its founders. They pursued no aggressive policy, but could not avoid the knowledge that it tended to lessen the hostility of differently constituted governments, and that a powerful political

alliance would arise upon the basis of pecuniary interests and intimate social intercourse.

It effected so great a saving in the collection of revenue that in three years—from 1834 to 1836—the expenses of the fiscal establishments were reduced from $18,000,000 to $14,500,000. Advantageous to all, this result was especially beneficial to the smaller States, whose revenue service, like that of Canada, was spread along extensive frontiers, and absorbed a large proportion of their income.

Owing to increased prosperity, and the consequently increased consumption of tax-paying articles, the revenue of Prussia rose from 18.8 silver gros. per head in 1834, to 23.4 in 1838.

The saving in the expense of collection, the increased prosperity of our people, and the additional demand for foreign goods consequent upon it, would afford a basis for a friendly and satisfactory arrangement with European powers, so far as they might be affected by the adoption of a policy which could not fail to be beneficial to the Provinces and the United States.

The laws of the Zollverein provide for the means of mutual investigation, so as to insure accurate returns of revenue from each place of collection. They contemplate the extension of its operations to other States, and provide for retaliation where commercial restrictions adverse to it are adopted.

Its influence has continued to spread more and more widely. On September 7, 1851, a treaty was made with a rival association, called the *Steuverein*, and consisting of Hanover, Oldenburg, and Brunswick, by which, from the 1st of January, 1854, both were included in one revenue system—the *Zollverein*—thus extending its operation to 36,000,000 of Germans; and a treaty for limited reciprocal trade has been made with Austria, to last for twelve years from February 19, 1853. It is believed by many that this treaty will lead to the actual consolidation of the whole Germanic race now existing in Europe.

REASONS FOR ADOPTING A SIMILAR SYSTEM.

At the present period of history, assuming that the popular sentiment of the Canadian people is monarchial, and not republican or democratic, the benefits of reciprocal trade can only be enjoyed by the United States and the British North American Possessions under a system resembling that of the Zollverein. It might include other regulations necessary for the freedom and convenience of our commercial and social intercourse, such as an uniform system of lighthouses, copyrights, postage, patents, telegraphs, weights, measures, and coinage.

Neither country is ready to adopt the plan of collecting a revenue entirely by direct taxation. Duties on imports are at present necessary for the government of each.

It is desirable that the principle of reciprocity should be extended to manufactures as well as to the products of the field and forest; but to do this fairly there must be an uniformity of duties on the materials forming the component parts of the articles manufactured. If of two manufacturers, one purchases his material free of duty, and the materials used by the other are subject to a high duty, there is

no equal competition. The same is true of every consideration affecting the price of labor; hence an identity of tariffs is necessary.

The ease with which revenue can be collected on the Atlantic frontier, and the difficulties which attend its collection in the interior of the continent, and in the neighborhood of countries commercially hostile, have already been indicated.

Nor can the natural, geographical, and other advantages of our respective countries, in their several parts, be developed upon a proper continental plan, unless a system of free purchase and sale is extended through all their parts, in reference to productions of foreign as well as of domestic origin. There is a great difference between a bonded system and a system of perfect freedom, as to exports or imports. The annoyances, vexations, and delays necessarily attached to any bonded system are often sufficient in this day of easy communication to turn away business from its natural and best centre. It is also to be remembered that hitherto the government of the United States has not thought it expedient to refund duties on the re-exportation of foreign merchandise in less quantities than the original package, thus creating an obstacle, often amounting to prohibition, to the jobbing and retailing of goods. This is felt every day on our frontier, where it has caused ruin to some merchants and serious loss to many others, while at the same time it injures those who, under a free and natural system, would consult their interests by purchasing the commodities sold by these merchants.

So far as can be ascertained, the whole amount of revenue collected by the United States on the northwestern lakes, from 1855 to 1859, inclusively, was less by $189,730 than the expense of collecting it.

A mere identity of tariffs would not suffice for the exigencies of the case. Philadelphia, New York, Boston, and Portland would frequently receive duties on articles consumed in Canada and the Northwestern Possessions; and Montreal and Quebec would frequently receive duties on commodities used in the western States. Thus the best port might collect nearly all the duties, and the region in which it is situated would have a large income derived from the goods consumed in other parts of the continent.

To those British settlements of which the capital of Minnesota is the general emporium for merchantable commodities of every description, this commercial unity is the only system by which connexion with Great Britain can long be maintained. For the whole vast and yet almost unoccupied expanse of the Northwest, so far exceeding the present Provinces in extent, fertility, and the means of supporting human life, and for Canada West, the Zollverein would secure an uninterrupted access to the southern and tropical regions of both American continents and the adjacent islands, affording markets for the products of their labor, and contributing to their social and domestic comforts. It would give them in their several regions a free choice between the Mississippi, the Hudson, the St. Lawrence, and the various systems of artificial communication in the valleys of these rivers. If compelled by the United States, as a barrier, or by the laws of Lower Canada, to import from Cuba to Toronto *via* the St. Lawrence, a distance must be traversed nearly three times as great

as if free transit were given and secured through the United States. The increase of 20 per cent. in the value of the agricultural productions of Canada would be continued, and those manufactures for which she is naturally adapted would find a market increased by the addition of the population of the United States.

RELATIONS OF GREAT BRITAIN AND THE NORTH AMERICAN COLONIES.

As the present so-called "reciprocity treaty" was made between the United States and Great Britain, and not with Canada, although it received the approbation of the government of each province before it went into effect in that province, the relations of Great Britain and Canada require some consideration.

The progress of self-government in the British Colonies has advanced until the control of Great Britain is little more than nominal. The ancient theory of colonial possessions was that Great Britain should control their trade and have the exclusive privilege of supplying them with manufactures, in return for which she was expected to defend them by force of arms upon any and every occasion of real or imaginary wrong. The most simple principles of human intercourse were at variance with these doctrines. The manufacture of the commonest articles was treated as a felony in one at least of the former American Colonies of Great Britain; but at the present time the British merchant has not any advantage over those of foreign countries in the Colonies. The tax-payers of Great Britain yet furnish armies and navies for the real or supposed benefit of the Colonies, but receive no benefit in return.

In accordance with the Report of Lord Durham, governor general of the Provinces, and a special commissioner appointed to inquire into their condition soon after the rebellion of 1837–'38, a system of gradual concession began. In 1846 England abandoned the old colonial system of trade; the "corn laws" were repealed, and most of the productions of Canada were placed on the same footing as those of other countries. In the same year, under Lord John Russell, the principle of colonial self-government was fully admitted. It was a natural result of the withdrawal of special privileges in favor of colonial products. In 1848 the differential duties in the Colonies in favor of British goods were repealed, and in 1849 the privilege of entirely controlling her own trade and her own customs dues was awarded to Canada. From that time the same duty was charged on goods manufactured in Great Britain as on those manufactured in the United States.

When the preferential laws in the British markets in favor of colonial produce were abolished, Canada became increasingly solicitous for the admission of her products into the American markets, and the "reciprocity treaty" took effect in 1855.

PROPOSALS OF THE BRITISH MINISTER, IN 1859, FOR FREE COMMERCIAL RELATIONS BETWEEN THE UNITED STATES AND THE PROVINCES.

In 1859, when many complaints were made, representing the legislation of Canada as adverse to the treaty, Lord Napier, then British minister at Washington, submitted proposals for the "confirmation

and expansion of free commercial relations between the United States and the British Provinces."

DIFFERENCES BETWEEN THE BRITISH AND COLONIAL GOVERNMENTS.

In the same year, on the 27th of August, the Canadian government having urged a law inflicting certain disabilities on our shipping, the Duke of Newcastle, Secretary of the Colonies, on behalf of the government of Great Britain, transmitted to the Colony an official despatch, of which the following is part:

"The highest respect for colonial self-government in domestic matters is not inconsistent with the rule that commercial freedom cannot be maintained by the imperial legislature, while systems of exclusion, protection, or retaliation are maintained, or rather recommended, by that of a portion of the empire. I trust that the Canadian government and legislature will fully weigh the force of these reasons, and will acknowledge that (all discussion on speculative truth in political economy left aside) the advisers of the crown in this country could do no less than maintain, as far as in them lies, *unity of legislatim* on this most important subject throughout her Majesty's dominions.

"*An order in council disallowing the bill* will be accordingly forwarded to you by an early opportunity.

"I have, &c.,

"NEWCASTLE.

"Right Hon. Sir E. W. HEAD, *&c.*, *&c.*, *&c.*"

The tendency of the tariff enacted by the Canadian parliament in 1859 having been, as was admitted by Mr. Galt, the financial minister of Canada, "somewhat to interfere with the existing close commercial relations between Western Canada and the United States,"* and, as he also stated, to exclude certain articles of American manufacture, "which could be no cause of regret," and it being subversive of the spirit and intentions of the treaty for reciprocity of trade between the United States and Canada, and likely to produce suspicion as to the liberal commercial policy of Great Britain in the minds of those who do not know how little control she exercises over her Colonies, the course of the Canadian government excited much attention. Its inconsistency with the avowed policy of the British empire drew from the Colonial Secretary a remonstrance, on the same grounds as those named in his despatch of August 27, 1859. The nature of this despatch, and of the reply of the colonial government to it, were related by the minister of finance in the Canadian parliament April 17, 1860. He said:

"The Colonial Secretary took occasion to express views of rather a strong character in reference to the measure to which I allude—the tariff—and even went so far as to intimate that under certain circumstances, although he did not absolutely state that they existed in regard to this measure, the question of the right of the colonial legislature to decide upon its own measures of taxation might come before

* See his letter to the Duke of Newcastle, October 25, 1859.

the imperial government, and that her Majesty *might possibly be advised to disallow acts of this kind.* (Hear! hear!) I will read a part of the answer the government of this country thought it their duty to make to these remarks. (Hear! hear!)

"'From expressions used by his grace in reference to the sanction of the provincial customs act. it would appear that he had even entertained the suggestions of its disallowance; and though happily her Majesty has not been so advised, yet the question having been thus raised, and the consequences of such a step, if ever adopted, being of the most serious character, it becomes the duty of the provincial government distinctly to state what they consider to be the position and rights of the Canadian legislature. (Hear! hear!) Respect to the imperial government must always dictate the desire to satisfy them that the policy of this country is neither hastily nor unwisely formed, and that due regard is had to the interest of the mother country as well as of the province. *But the government of Canada, acting for its legislature and people, cannot, through those feelings of deference which they owe to the imperial authorities, in any manner waive or diminish the right of the people of Canada to decide for themselves both as to the mode and extent to which taxation shall be imposed.* The provincial ministry are at all times ready to afford explanations in regard to the acts of the legislature to which they are a party, but, subject to their duty and allegiance to her Majesty, their responsibility in all general questions of policy must be to the provincial parliament, by whose confidence they administer the affairs of the country. And in the imposition of taxation it is so plainly necessary that the administration and the people should be in accord that the former cannot admit responsibility or require approval beyond that of the local legislature. Self-government would be utterly annihilated if the views of the imperial government were to be preferred to those of the people of Canada. *It is therefore the duty of the present government distinctly to affirm the right of the Canadian legislature to adjust the taxation of the people in the way they deem best, even if it should unfortunately happen to meet the disapproval of the imperial ministry.* Her Majesty cannot be advised to disallow such acts, unless her advisers are prepared to assume the administration of the affairs of the colony irrespective of the views of its inhabitants.

"'The provisional government believes that his grace must share their own convictions on this important subject, but *as serious evil would have resulted had his grace taken a different course, it is wiser to prevent future complication by distinctly stating the position that must be maintained by every Canadian administration.'* (Applause.)

"These, Mr. Chairman, are the views the government felt it their duty to lay before the imperial authorities, (Hear!) and I am gratified to be able to add that when these papers are read by members of the house, it will be found that on *the point on which they objected to the tariff they have been obliged to admit that we were in the right, and that any assumed interference with our rights and privileges is not for one moment to be entertained.*" (Hear! hear!)

So far as can be ascertained, no further correspondence between the government of Great Britain and the government of Canada as to the restrictive and adverse policy of the Province has been made public; but some other questions having arisen on another subject, the governor general of Canada, at the opening of the Canadian parliament in March, 1861, declared it was expedient for that assembly to "define by statutory enactments of your own the nature and extent of the laws and customs of parliament, as they shall exist in Canada."

The intentions expressed in the words of the "reciprocity treaty" made by the United States with Great Britain in 1854 were "to regulate the commerce and navigation between her Majesty's possessions in North America and the United States in such manner as to render the same reciprocally beneficial and satisfactory." The financial minister of Canada carried into practical effect a policy avowedly restrictive and adverse to the interests of the United States. To these efforts the government of Great Britain, through the Duke of Newcastle, Secretary for the Colonies, objected in terms of force unusual in diplomatic correspondence. The reply of the Canadian government was a declaration of complete self-control or independence in its financial affairs, and as regards its commercial relations with the United States. It seems that Great Britain, acquiescing in the principle of colonial self-government, made no further public attempt to regulate the tariff of Canada, retaining only the power to make treaties on behalf of the Provinces, while Canada assumes and exercises a right to make laws in opposition to their spirit and intentions, the enactments of the Canadian government being opposed to the development of those mutual interests which on both sides of our vast and co-terminous frontier contribute no little to the best system of national defence, although it yet relies to a considerable extent for military protection upon the arms and expenditures of a power whose policy and wishes it disregards.

NO BASIS OF SETTLEMENT HITHERTO OFFERED BY THE UNITED STATES.

The government of the United States has never yet presented to Great Britain on behalf of the Provinces any basis or means of negotiation by which the existing causes of complaint on both sides may be removed, and a system established enabling the people to enjoy all the reciprocal advantages which they and their posterity must be capable of conferring upon each other so long as the relative geographical position of their respective territories remains unchanged, increasing the liberties and rights of each, and strengthening the sense of honorable patriotism by demonstrating its consistency with international good-will.

METHOD OF NEGOTIATION.

The Committee on Commerce believe, with the legislature of the State of New York, that "free commercial intercourse between the United States and the British North American Provinces and Possessions, developing the natural, geographical, and other advantages of

each for the good of all, is conducive to the present interests of each, and is the proper basis of our intercourse for all time to come;" and that such measures should be adopted as will fully carry into effect the principles announced by the British minister at Washington, in 1859, "for the confirmation and expansion of free commercial relations between the United States and the British Provinces," and to "regulate the commerce and navigation between her Majesty's Possessions in North America and the United States in such manner as to render the same reciprocally beneficial and satisfactory," as was intended and expressed by the treaty made between the United States and Great Britain, and commonly known as the "Reciprocity Treaty."

The Committee on Commerce would, therefore, recommend that three commissioners be appointed by the President of the United States to confer with persons duly authorized by Great Britain in that behalf, with a view to enlarging the basis of the former treaty, and for the removal of existing difficulties.

APPENDIX.

In No. 1 of the following tables the commerce of the United States with Canada and the other Provinces is shown distinctly and apart, inasmuch as no complaint is made against the "Maritime Provinces." In No. 2 a general view is given of the trade with all the Provinces together.

No. 1.

Table showing the exports from the United States to Canada and the other British North American Provinces, and the imports into the United States from the same places from 1850 *to* 1859, *inclusive.*

Date.	Provinces.	Domestic exports.	Of foreign origin.	Total.	Imports.
1850	Canada	$4,641,451	$1,289,370	$5,930,821	$4,225,470
	Other British North American provinces	3,116,840	501,374	3,618,214	1,358,992
1851	Canada	5,535,834	2,093,306	7,929,140	4,956,471
	Other British North American provinces	3,224,553	861,230	4,085,783	1,736,651
1852	Canada	4,004,963	2,712,097	6,717,060	4,589,969
	Other British North American provinces	2,650,134	1,141,822	3,791,956	1,520,330
1853	Canada	4,005,512	3,823,587	7,829,099	5,278,116
	Other British North American provinces	3,398,575	1,912,968	5,311,543	2,272,602
1854	Canada	10,510,373	6,790,333	17,300,706	6,721,539
	Other British North American provinces	4,693,771	2,572,383	7,266,154	2,206,021
1855	Canada	9,950,764	8,769,580	18,720,344	12,182,314
	Other British North American provinces	5,855,878	3,229,798	9,085,676	2,954,420
1856	Canada	15,194,738	5,688,453	20,883,241	17,488,197
	Other British North American provinces	7,519,909	626,199	8,146,108	3,822,224
1857	Canada	13,024,708	3,550,187	16,574,895	18,296,834
	Other British North American provinces	6,911,405	776,182	7,637,587	3,832,462
1858	Canada	13,663,485	3,365,789	17,029,254	11,581,571
	Other British North American provinces	5,975,494	646,979	6,622,473	4,224,948
1859	Canada	13,439,667	5,501,125	18,940,792	14,208,717
	Other British North American provinces	8,329,960	883,422	9,213,382	5,518,834

No. 2.

TRADE BETWEEN THE UNITED STATES AND THE BRITISH PROVINCES.

Statement exhibiting the increase in the exports to, and the imports from, Canada and other British possessions in North America from the 30*th day of June,* 1851, *to the* 1*st day of July,* 1859.

Years ending—	Exports.			Imports.	Increase each successive year over 1852.	
	Foreign.	Domestic.	Total.		Exports.	Imports.
June 30, 1852	$3,853,919	$6,655,097	$10,509,016	$6,110,299	.....	.....
1853	5,736,355	7,404,087	13,140,642	7,550,718	$2,631,626	$1,440,419
1854	9,362,716	15,204,144	24,566,860	8,927,560	14,057,844	2,817,261
1855	11,999,378	15,806,642	27,806,020	15,136,734	17,297,004	9,026,435
1856	6,314,652	22,714,697	29,029,349	21,310,421	18,520,333	15,200,122
1857	4,326,369	19,936,113	24,262,482	22,124,296	13,753,466	16,013,997
1858	4,012,768	19,638,959	23,651,727	15,806,519	13,142,711	9,696,220
1859	6,622,473	17,029,254	28,154,174	19,727,551	17,654,158	13,617,252
	52,228,830	124,388,993	181,120,270	116,594,098	97,057,142	67,811,706

No. 3.

*Tables showing in contrast the customs' revenues of the United States and Canada.**

UNITED STATES CUSTOMS' REVENUE.

Year ended June 30, 1857	$63,875,905
1858	41,789,621
1859	49,565,824
1860	53,187,511
Total for four years	208,418,861
Average each year	52,104,715

Amount paid yearly by each individual, reckoning the population of the United States as 32,000,000, $1 62.

CANADIAN CUSTOMS' REVENUE.

Year ending Dec. 31, 1857	$3,925,051
1858	3,381,389
1859	4,437,846
1860	4,758,465
Total for four years	16,502,751
Average each year	4,125,688

Amount paid yearly by each individual, reckoning the population of Canada as 2,500,000, $1 65.

The amount contributed by each individual in the two countries towards the customs' revenue is almost identical.

In the preceding tables the period of four years is taken as a proper basis of calculation, the present tariff of Canada having been in operation about half that period. The intention of those who framed that tariff having been to exclude American manufactures and increase those of Canada, the Canadian revenue derived from goods of American origin will, under the present system, be gradually diminished.

It is estimated that the saving in the expense of collecting revenue would under a free system be, to both countries together, nearly $500,000 annually; and the profits which under adverse systems would go into the hands of lawless smugglers, would be the honest gain or saving of consumers and legitimate dealers.

* The fiscal year of the United States ends on the 30th of June, and that of Canada on the 31st of December in each year.

As a system of national defence, the economy of this plan can scarcely be estimated.

In 1849 the Hon. William Hamilton Merritt, having been requested by the governor general of Canada to bring under the consideration of the United States the condition of the commercial relations between this country and Canada, stated that an extension of the principle of reciprocity to the manufactures of the United States and Canada could be obtained at any future time, if deemed desirable by the United States.

The dissatisfaction with the present treaty has arisen from its incompleteness. The Committee on Commerce in the House of Representatives, 1853, regarded a limited and partial reciprocity as being reciprocal free trade. Had the reciprocity been actual and perfect, the hope would have been realized which was expressed in the report presented by the Hon. David L. Seymour, as chairman of that committee, in the following words:

"They confidently present this measure as a system of broad and comprehensive international trade, mutually beneficial to the commercial interests of both countries. They recommend it as a peaceful method of gathering up and putting to rest for ever many vexed questions and possible future causes of contention between Great Britain and ourselves, while the colonies, bound to us by a commercial alliance which removes all causes for changing their present political position, as the pulsations of a common social and mercantile vitality beat through our joint body politic, become hostages to insure our permanent peace with Great Britain, and through her with the whole European world."

No. 4.

Statement exhibiting in contrast the value of each class of imports into each country, (the United States and Canada,) from the other, of the different classes of all articles enumerated in the treaty, for five years before the treaty, and to January 1, 1861.

	1850.		1851.		1852.		1853.		1854.		1855.
	Into the U. States.	Into Canada.	Into the U. States.	Into Canada.	Into the U. States.	Into Canada.	Into the U. States.	Into Canada.	Into the U. States.	Into Canada.	Into the U. States.
Produce of the mine	.....	$41,587	$17,623	$62,516	$192	$64,857	$58,400	$126,586	$118,698	$256,182	$23,303
Produce of the forest	$1,539,488	45,505	1,279,929	18,620	1,838,775	116,159	2,589,898	66,620	2,131,725	107,459	3,016,820
Produce of the sea	30,943	21,473	43,784	26,494	50,289	31,079	73,422	383,436	85,472	74,851	148,550
Animals and their produce	490,477	435,036	564,787	962,176	966,189	454,475	1,107,870	570,587	684,439	845,591	1,485,995
Agricultural produce	2,706,362	427,084	1,937,293	676,327	3,277,929	473,137	4,949,576	668,113	5,295,667	1,500,521	11,801,435
Totals	4,767,270	990,685	3,843,416	1,746,133	6,133,374	1,139,707	8,779,166	1,815,342	8,305,931	2,784,604	16,476,093

	1855.	1856.		1857.		1858.		1859.		1860.	
	Into Canada.	Into the U. States.	Into Canada.	Into the U. States.	Into Canada.	Into the U. States.	Into Canada.	Into the U. States.	Into Canada.	Into the U. States.	Into Canada.
Produce of the mine	$425,739	$84,228	$488,984	$189,894	$509,494	$93,405	$324,374	$227,911	$328,139	$318,537	$406,688
Produce of the forest	186,830	3,345,284	302,904	3,393,068	411,890	3,290,383	232,177	3,524,850	162,113	4,019,278	137,392
Produce of the sea	261,853	140,948	411,716	154,417	314,296	158,485	157,674	201,583	183,575	185,878	227,112
Animals and their produce	1,878,664	2,375,388	2,896,838	1,974,516	2,134,339	2,231,786	1,464,873	3,391,772	1,758,428	3,557,912	1,679,912
Agricultural produce	4,972,475	11,864,836	3,809,112	7,100,413	5,272,151	5,740,305	3,365,517	6,278,351	4,671 882	10,013,799	4,603,114
Totals	7,725,561	17,810,684	7,909,554	12,812,308	8,642,030	11,514,364	5,564,615	*13,624,467	7,104,137	18,095,399	7,054,218

* A considerable addition to the articles imported into the United States from Canada should be made for articles named in the statistics of the Canadian government as "exports not reported at inland ports," amounting, for instance, in 1859, to $1,664,603, and in 1860, to $2,270,430; nearly all of which were imported into the United States, and were free under the treaty.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 23.

HARBOR DEFENCES ON GREAT LAKES AND RIVERS.

FEBRUARY 12, 1862.—Laid on the table, and ordered to be printed.

Mr. ARNOLD, from the select committee on defence of great lakes and rivers, made the following

REPORT.

The committee to which was referred so much of the President's message as refers to the defences and fortifications of the great lakes and rivers, and to which also were referred various resolutions, petitions, and memorials on this subject, having had the same under consideration, respectfully submit the following report:

The line between the United States and the British possessions in North America, running from the gulf of St. Lawrence on the east, and extending west through the river St. Lawrence, thence through Lake Ontario, Niagara river, Lake Erie, and thence westerly, through the great lakes, to and beyond the frontier settlements, presents a boundary line, running through these great lakes and rivers, of more than three thousand miles in extent.

The feeling of good neighborhood, of reciprocity of interests, and of mutual good will, had been growing up, and, with slight disturbance, had continued since the close of the war of 1812. For nearly half a century we have regarded our Canadian neighbors as our good friends, with whom we desired to establish the kindest and most intimate business, commercial, and social relations. In the great lines of railway and water communication between the east and west, combinations and connexions have been established of mutual advantage. A treaty of reciprocity has been entered into. Some of our great thoroughfares of trade and travel have not avoided the Canadian territory, all indicating a willingness to break down or disregard division lines, and to live on terms of mutual good will. During this period the few scattered and imperfect defensive works and fortifications which had been constructed on the frontier had fallen into decay, and in some instances the military reservations around our old forts had been converted into station grounds and depots of railways. We had come to regard it as scarcely within the range of possibility that we should go to war with our neighbor over the line. This very neglect of the means of defence recent events have indicated has increased the danger and liability of war; so that it seems that the best security for peace is to be prepared for war. The defence of

the great lakes and rivers, therefore, is suggested by the President to the consideration of Congress as a measure likely to promote peaceful relations between the two nations. As such, and with the sincere desire that nothing may ever disturb the peaceful relations so happily heretofore existing, and so important to the growth and development of both countries, we urge defensive measures on the consideration of Congress. The rapid advance in the prosperity of the British provinces, and more especially of the United States, since the close of the war of 1812, furnishes a striking illustration of the blessings of peace. The population of the United States in 1815 was 8,638,131; in 1860 it was 31,148,571. The States of Indiana, Missouri, Illinois, Michigan, Wisconsin, Iowa, Minnesota, and Kansas, have been admitted into the Union since that period, and in the following order:

Indiana in	1816
Illinois in	1818
Missouri in	1821
Michigan in	1837
Wisconsin in	1848
Iowa in	1846
Minnesota in	1857
Kansas in	1860

The northwestern States to-day have a population of 9,073,055.

The northwest has sprung into existence, and developed the productions of an empire since the close of the war of 1812.

It may not be improper to take a brief survey of the growth and present condition of the northwest, and its commerce, to show the value and importance of the interests we are now about to ask the government to defend. Before doing so, however, a brief description of the lakes may not be uninteresting.

Nearly midland of the North American continent there extends a vast chain of lakes and rivers, three thousand miles in extent, connected on the east, by the St. Lawrence, with the Atlantic, and Nature has provided that these vast highways of commerce may be connected by a ship canal across a narrow portage, with the Mississippi river and its tributaries on the southwest.

Lake Superior is a vast inland sea of 32,000 square miles, and 2,000 miles of coast, 420 miles long by 160 broad.

Lake Michigan, with 22,000 square miles of surface, 1,200 miles of coast, 320 miles long by 82 wide.

Lake Huron, with 24,000 square miles of surface, 2,000 miles of coast, 260 miles long by 110 broad.

Here we have three great seas of near 80,000 square miles of surface, and 5,000 miles of coast.

These bodies of water find an outlet through the river and Lake St. Clair and the magnificent straits of Detroit into Lake Erie, 90 miles from Lake Huron. Lake Erie, 250 miles long and 60 broad, discharges its waters down the Falls of Niagara into Lake Ontario, 180 miles long and 60 broad, and thence the waters of these great lakes find their way to the ocean through the St. Lawrence.

It is a very remarkable fact that the portage between these great lakes, and those streams which find an outlet in the Gulf of Mexico, is not more than eight to twelve feet above the level of Lake Michigan, and within ten miles of Chicago. The Chicago river, running into Lake Michigan, and the Desplane river, finding its way into the Mississippi through the Illinois, are within a stone's throw of each other, and, indeed, in high water, the Desplane finds an outlet into Lake Michigan, so that small boats pass directly from Lake Michigan into the Desplane. This portage between Lake Michigan and the navigable waters of the Illinois river has been cut through by the Illinois and Michigan canal, and needs but widening and deepening to open a ship channel from the Mississippi to the lakes, *the most important work for either military or commercial purposes yet suggested on this continent.* This frontier line, from the west end of Lake Superior to the St. Lawrence, is over three thousad miles in extent.

The committee now ask attention to *the growth of the northwest and its present commercial importance.*

The shores of these great lakes where now swarm the busy populations of the most active and enterprising people perhaps in the world, were, at the period of the war of 1812, covered with dark and gloomy forests filled with hostile savages. Here ranged the great Indian warrior Tecumseh, and on the shores of these waters he made the last, desperate struggle for the hunting grounds of his race, now so rich in agriculture, trade, and commerce.

The following table shows the growth in population of the northwest since 1812:

TABLE.

Name.	When admitted.	Population.					
		1815.	1820.	1830.	1840.	1850.	1860.
United States	.....	8, 353, 338	9, 638, 131	12, 866, 020	17, 069, 453	23, 191, 876	31, 148, 571
Ohio	Nov. 29, 1802	.....	581, 434	937, 903	1, 519, 467	1, 980, 329	2, 339, 599
Indiana	Dec. 11, 1816	.....	147, 178	343, 031	685, 866	988, 416	1, 350, 941
Missouri	Aug. 10, 1821	.....	66, 596	140, 455	383, 702	682, 044	1, 182, 317
Illinois	Dec. 3, 1818	.....	55, 211	157, 455	476, 183	851, 470	1, 711, 753
Michigan	Jan. 26, 1837	.....	8, 896	31, 639	212, 267	397, 654	749, 112
Wisconsin	May 29, 1848	.....	.....	.....	30, 945	305, 391	775, 873
Iowa	Dec. 28, 1846	.....	.....	.....	43, 112	192, 214	674, 948
Minnesota	—— —, 1857	.....	.....	.....	.....	6, 077	172, 022
Pennsylvania	.....	.....	1, 049, 458	1, 348, 233	1, 724, 033	2, 311, 786	2, 906, 370
New York	.....	.....	1, 372, 812	1, 918, 608	2, 428, 921	3, 097, 394	3, 880, 735

Table showing the population of the following cities and towns from 1820 *to* 1860, *inclusive.*

Cities and towns.	1820.	1830.	1840.	1850.	1860.
Oswego, N. Y	992	2, 703	4, 665	12, 205	16, 816
Rochester, N. Y	.....	9, 269	20, 191	36, 403	48, 204
Buffalo, N. Y	.....	8, 653	18, 213	42, 261	81, 129
Dunkirk, N. Y	.....	.....	.....	.....	5, 615
Erie, Pa	635	1, 329	3, 412	5, 858	9, 419
Cleveland, Ohio	606	1, 076	6, 071	17, 034	43, 417
Toledo, Ohio	.....	.....	1, 222	3, 829	13, 768
Detroit, Mich	1, 422	2, 222	9, 102	21, 019	45, 619
Milwaukie, Wis	.....	.....	1, 712	20, 061	45, 254
Chicago, Ill	.....	.....	4, 470	29, 963	109, 263
St. Louis, Mo	10, 049	14, 049	16, 469	77, 860	160, 780

Table showing the true value of the real estate and personal property according to the seventh census, 1850, *and the eighth census,* 1860, *respectively.*

States.	Real and personal.	Real and personal.
	1850.	1860.
Indiana	$202, 650, 264	$528, 835, 371
Illinois	156, 265, 006	871, 860, 282
Iowa	23, 714, 638	247, 338, 265
Kansas*	.....	31, 327, 895
Minnesota*	.....	52, 294, 413
Missouri	137, 247, 707	501, 214, 398
Ohio	504, 726, 120	1, 193, 898, 422
Wisconsin	42, 056, 595	273, 671, 668
Michigan	59, 787, 255	257, 163, 983
	1, 126, 447, 585	3, 957, 604, 697

* No returns for 1850.

The following table shows the population and area of the northwest in 1850 and 1860. The table of population in 1850 is copied from the compendium of the United States census of 1850, page 40; the table of areas from the same documents, page 36; the table of population in 1860 from census returns:

States.	Population in 1850.	Population in 1860.	Area, in square miles.	Per cent. of increase in population.
Ohio	1,980,329	2,339,599	39,964	18.14
Indiana	988,416	1,350,479	33,809	36.63
Illinois	851,470	1,711,753	55,405	101.03
Michigan	397,654	749,112	56,243	88.38
Wisconsin	305,391	775,873	53,924	154.00
Iowa	192,214	674,948	50,914	251.14
Minnesota	6,077	162,022	34,591	2565.65
Missouri	682,044	173,317	67,380	.72
Kansas	.....	107,110	114,798	.....
Nebraska	.....	28,842	335,882	.....
Total	5,403,595	9,073,055 5,403,595	842,910	67.9
Increase in 10 years	.....	3,669,460		

It is estimated that of this increase 1,329,066 is the natural increment; the balance, 2,340,394, by emigration—the northwest filling up with the hardy, industrial classes comimg hither from Europe and the older States.

Population of the United States in 1850, 23,191,876; in 1860, 31.429,891—increase, 35.52 per cent.

The increase of the population of the northwest during the last ten years has been 67.9 per cent., while the ratio of increase in the whole country has been 35.52. The population of the northwest by census of 1860 was 28.85 per cent., or nearly one-third. Of the total increase in the population of the country, 44.67 per cent. was in the northwest alone. An increase at the same ratio during the present decade will give the northwest in 1870 a population of 15,212,622—an increase of 6,139,567. Massachusetts, the most densely populated of all the States, has 157.8 inhabitants to the square mile. A like density of population in the northwest would give us a population of 133,011,198. A density of population equal to that of England (332 per square mile) would give an enumeration of 279,846,120.

The following table will show somewhat of the advance of the northwest in political power:

States.	Electoral vote.		Representatives in Congress.		Popular vote for President.	
	1852.	1864.	1851.	1861.	1852.	1860.
Ohio	23	21	21	19	353, 428	442, 441
Indiana	13	13	11	11	183, 134	272, 143
Illinois	11	15	9	13	155, 497	339, 693
Michigan	6	8	4	6	82, 939	154, 749
Wisconsin	5	8	3	6	64, 712	152, 180
Iowa	4	7	2	5	16, 845	128, 331
Missouri	9	11	7	9	65, 586	165, 518
Minnesota	.....	3	.....	1	.....	34, 799
Kansas	.....	3	.....	1	.....	.....
Total	71	89	57	71	922, 141	1, 689, 902
		71	.....	57	.....	922, 141
Increase	.....	18	.....	14	.....	767, 761
Total of U. States	.....	.....	234	233	3, 126, 398	4, 662, 170

The popular vote of 1852 is copied from the census compendium, (1850,) p. 50; that of 1860, from the census returns. Under the old apportionment (1850) the northwest had 24.31 per cent. of the members of the House of Representatives, or a fraction less than one-fourth. Under the census of 1860 she is entitled to 30.47 per cent., or nearly one-third. At the presidential election of 1852 the northwest cast 29.46 per cent. of the popular vote. In the presidential election of 1860 she cast 36.24 per cent. of the popular vote—more than one-third. In the electoral college in 1860 the northwest cast 23.14 per cent. of the vote for President and Vice-President. In 1864 she will cast 29.23 per cent. of all the States, if no new State is admitted in the mean time.

The following table shows the standing of the *loyal* States in respect to political power in 1852 and 1860:

	1852.	1860.
Popular vote for President	2,583,918	3,805,640
Electoral votes	205	
Under the new census	.....	210

In 1852 the northwest cast 35.68 per cent. of the popular vote for President in the loyal States, and 34.63 per cent. of the electoral vote. In 1860 she cast 44.4 per cent. of the popular vote; and in 1864 will have 40.63 per cent. of the votes of the loyal States in the electoral college.

Chicago being one of the commercial centres of the northwest, it is proper that some space should be devoted to her commerce.

The total value of imports at Chicago in 1855	$196,660,064 66
Total value of exports from Chicago in 1855	212,953,021 88
	*409,613,086 54

The value of imports into Chicago in 1860, as per Board of Trade report, was	$97,067,616 89
Value of exports for same period	72,713,957 24
Aggregate value of imports and exports	169,771,574 13

The value of the imports into Chicago in 1858, as reported by Col. Graham (Senate Doc., part 3, pp. 890, 891, 36th Congress, 1st session,) to the United States government, was	$99,032,362 12
Value of exports for same period	81,052,420 05
Aggregate value of imports and exports	180,084,782 17

The apparent deficiency in 1860, as compared with 1858, is doubtless owing to the fact that the valuation of the articles is placed higher in Colonel Graham's report than the same articles are valued by the Board of Trade in 1860, as the quantities received and shipped in the latter year greatly exceed, in most cases, those of 1858.

It is believed that the valuation of receipts and shipments in 1861 greatly exceed that of the commerce of 1860, (although the prices of produce are lower,) inasmuch as the rebellion has diverted to Chicago an immense trade which was formerly concentrated at St. Louis, Cairo, New Orleans, and other points on the Mississippi river.

The following table, prepared by Seth Catlin, esq., secretary of the Board of Trade, shows the capacity of the Chicago elevating warehouses for handling and storing grains, November 15, 1861.

Capacity for storage, bushels	6,115,000
Capacity to receive and ship per day, bushels	735,000
Capacity to ship per day, bushels	2,035,000

* See Colonel Graham's report.

Tables from the Board of Trade Report, January 1, 1861, *showing the tonnage and valuation of the vessels engaged in the commerce of the lakes in* 1859 *and* 1860.

Year.	Number and rig.	Tonnage.	Valuation.
	AMERICAN BOTTOMS.		
1859	68 steamers	46, 240	$1, 779, 900
	48 propellers	55, 657	2, 217, 100
	72 tugs	7, 779	456, 500
	43 barks	9, 666	482, 800
	64 brigs	30, 452	456, 800
	833 schooners	173, 362	4, 378, 900
	1, 198	323, 156	9, 811, 200
	CANADIAN BOTTOMS.		
	54 steamers	21, 402	989, 200
	16 propellers	4, 127	140, 500
	17 tugs	2, 921	184, 800
	15 barks	5, 720	134, 000
	14 brigs	3, 295	78, 400
	197 schooners	32, 198	778, 300
	313	69, 663	2, 305, 300
	1, 198	323, 156	9, 811, 200
	AMERICAN BOTTOMS.		
1860	75 steamers	47, 333	2, 439, 840
	190 propellers	57, 210	3, 250, 390
	44 barks	17, 929	584, 540
	76 brigs	21, 505	484, 250
	813 schooners	172, 526	5, 233, 085
	1, 216	316, 503	11, 992, 105
	CANADIAN BOTTOMS.		
	77 steamers	25, 939	1, 499, 680
	27 propellers	7, 289	407, 290
	23 barks	7, 882	246, 480
	16 brigs	3, 815	94, 380
	217 schooners	31, 792	898, 560
	360	76, 717	3, 146, 390
	1, 216	316, 503	11, 992, 105
	1, 576	393, 220	15, 138, 495

The following is from the report of the Board of Trade of Buffalo:

UNITED STATES AND CANADIAN TONNAGE.

Statement of the tonnage of the northwestern lakes and river St. Lawrence, as compiled from the Marine Register of the Board of Lake Underwriters for 1861.

Description.	No.	Tonnage.	Value.	Average tons.	No. of men.	Total men.
U. STATES TONNAGE.						
Steamers	71	40, 125	$1, 493, 300	565	25	1, 775
Propellers	182	56, 203	2, 597, 100	308	20	3, 640
Barks	44	18, 331	447, 300	416	12	528
Brigs	70	20, 613	407, 600	294	11	770
Schooners	789	174, 015	4, 496, 800	220	10	7, 890
Sloops	10	345	5, 750	34	4	40
Total	1,166	309, 632	9, 447, 850	.....	.....	14, 643
CANADIAN TONNAGE.						
Steamers	76	24, 544	1, 175, 600	321	25	1, 900
Propellers	21	4, 748	207, 800	226	20	420
Barks	18	6, 787	189, 500	377	12	216
Brigs	16	4, 258	93, 500	266	11	176
Schooners	200	30, 885	752, 100	154	10	2, 000
Sloops	5	283	6, 100	56	4	20
Total	336	71, 505	2, 414, 600	.....	.....	3, 732

Total of United States and Canadian tonnage:

Number of vessels	1,502
Total tonnage	381,137
Total value	$11,862,450
Whole number of men	18,375

The United States tonnage exceeds that of the Canadian as follows:

Excess in number of vessels	830
Excess in amount of tonnage	238,127
Excess in value	$7,033,250
Excess in number of men	10,911

Below is given the number of United States and Canadian vessels now building on the northwestern lakes and the river St. Lawrence at the present time:

Number of vessels building, January, 1862.

Rig.	Number.	Tonnage.	Value.
UNITED STATES VESSELS BUILDING.			
Steam	3	1,700	$119,000
Propeller	22	8,210	574,700
Sail	32	21,049	947,205
Total	57	30,959	1,640,905
CANADIAN VESSELS BUILDING.			
Steam	1	410	28,700
Sail	7	3,040	136,800
Total	8	3,450	165,500
Total U. States and Canadian	65	34,409	1,806,405
Present United States tonnage	1,166	309,632	9,447,850
Vessels building	57	30,959	1,640,905
Total	1,223	340,591	11,088,755
Present Canadian tonnage	336	71,505	2,414,600
Vessels building	8	3,450	165,500
Total	344	74,955	2,580,100

The following table, copied from Colonel Graham's report, (Senate Ex. Doc. No. 16, 34th Congress, 3d session, p. 405,) shows the value of the enumerated articles of merchandise and agricultural produce received at and shipped from the various collection districts, and which passed over the St. Clair flats during the year 1855:

TABLE.

Districts.	Received.	Shipped.
Chicago	$91,771,717 98	$21,928,530 91
Milwaukie	14,065,507 08	8,738,936 75
Detroit	676,764 50	21,005,936 75
Toledo*	145,325 00	.....
Cleveland†	2,354,683 50	9,247,812 15
Erie, Pa., (32,391 tons coal)	.....	116,955 00
Buffalo	2,867,407 10	76,560,000 00
Oswego	19,200 00	.....
Ogdensburg	9,940 00	.....
	111,910,545 16	139,257,160 81
		111,910,545 16
		251,167,705 97

Total value of merchandise and agricultural produce known to have passed over St. Clair flats during the 230 days of navigation in 1855, $251,167,705 97; amount per day, $1,092,033 55.

To this may be added the *tonnage* of the several districts enumerated trading over the St. Clair flats. This tonnage (*vide* Colonel Graham's report, p. 456,) in 1855, was 195,375 tons.

The first cost of these vessels, p. 408, and their equipments, amounts to $8,553,750; add value of merchandise and produce, before given, $251,167,705 50. Total capital interested in St. Clair flats in 1855, $259,721,455 50.

The total amount in money which accrued in freights over the St. Clair flats in 1855 in American vessels was $13,766,840. If this estimate is incorrect, it is because it is too low. Full fifteen per cent. of this, says Colonel Graham, p. 408, accrued from the obstructions at the flats; so that the cost to our commerce in 1855 of these obstructions was $2,064,226. Of this, $865,509 fell upon the commerce of Chicago alone. Colonel Graham (p. 404) estimatss the cost of a channel, 600 feet wide, through the flats, at $532,991 68; over $332,000 *less* than the obstructions cost the city of Chicago in that one year. He recommended the appropriation of the above amount for the following reasons:

1. The annual amount of commerce and navigation requiring a free passage over St. Clair flats, (pp. 409, 410, aggregate given above.)

* The books at *Toledo* show no shipments from that port over St. Clair flats which are not included in receipts at other enumerated ports.—(Colonel Graham's report.)

† This falls far short of the whole. It is believed that the value of the shipments from Cleveland, over St. Clair flats, was full $15,000,000.—(*Vide* Colonel Graham's report, p. 406, notes.)

2. The importance of improving the channel over the St. Clair flats as a necessary element in the military defence of our national frontier, (pp. 409, 410.)

Col. Graham's Report (Mess. and Docs., 1859–'60, part 3,) gives the following as the aggregate imports and exports *by lake* at the several lake ports in 1858:

Imports	$148,775,218 66
Exports	123,875,812 60
Total lake commerce (American) in 1858	272,651,031 26

The following shows the total commerce (by lake, *canal, and railroad)* of the various lake ports in 1858:

Imports	$456,149,482 91
Exports	374,156,880 54
Total	830,306,363 45

Table of aggregate imports and exports of lake towns for the year 1858, *compiled by Colonel Graham (Senate Doc.,* 1*st session* 36*th Cong., pp.* 919—1090.)

Chicago	$180,084,782 17
Waukegan	1,265,500 10
Kenosha	1,636,265 05
Racine	9,924,297 15
Milwaukie	41,349,293 90
Sheboygan	1,002,226 00
Manitowoc	991,294 86
Michigan City	5,669,829 85
New Buffalo	588,609 30
St. Joseph	863,054 30
Grand Haven	4,702,346 46
Toledo	67,160,116 91
Sandusky	54,361,144 10
Cleveland	106,100,578 46
Erie	15,275,955 35
Dunkirk	57,327,845 90
Buffalo	202,619,298 82
Oswego	34,610,876 62
Ogdensburg	21,547,450 50

There are several other places included in Colonel Graham's statistics not embraced in the above.

Colonel Graham's report (p. 128) states that the losses on the western lakes in 1855 amounted to $2,800,000.

The report of New York Canal Commissioner Samuel B. Ruggles,

in 1859, concurred in by Canal Commissioner Charles H. Sherrill, (N. Y. Ass. Doc. 1859, on page 20,) says that in 1853 the western commerce passing through the Erie canal was $136,598,734. On page 21 the same report says, "The proportion (of forest products) already contributed by Canada and the west is more than one-third of the whole amount of the products of the forest (excluding ordinary fine wood) carried on all the canals, including even the Champlain, and the ratio is constantly and rapidly increasing in favor of the west." On page 22 of this report Mr. Ruggles says, "The west is among us, and upon us, in full vigor, defying all the power of party politicians, however persevering, to shut out the truth that within the next twenty years the property to be carried through this State to and from the west will amount at least to *twenty-five hundred millions* of dollars, if not a much larger sum." Colonel Graham unqualifiedly asserts that our lake commerce exceeds in value our foreign commerce.

The following extracts from Hunt's Merchant's Magazine, conceded to be one of our most reliable statistical journals of the country, may be interesting :

"*Westward movement of the centre of population, commerce, and of industrial power in North America.*

"In the rapidly developing greatness of North America, it is interesting to look to the future, and speculate on the most probable points of centralization of its commerce and social power. Including with our nation, as forming an important part of its commercial community, the Canadas and contiguous provinces, the centre of population, white and black, is a little west of Pittsburg, situated at the head of navigation on the Ohio river. The movement of this centre is north of west, about in the direction of Chicago. The centre of productive power cannot be ascertained with any degree of precision. We know it must be a considerable distance east and north of the centre of population. That centre, too, is on its grand march westward. Both in their regular progress will reach Lake Michigan. Is it not, then, as certain as anything in the future can be, that the central power of the continent will move to, and become permanent on, the border of the great lakes? Around these pure waters will gather the densest populations, and on their borders will grow up the best towns and cities. * * * * *

"It can scarcely admit of a doubt that the domestic commerce of North America bears a proportion as large as twenty to one of its foreign commerce.

"At the present rate of increase the United States and the Canadas, fifty years from this time, will contain over one hundred and twenty millions of people. If we suppose one hundred and five millions, and that these shall be distributed so that the Pacific States shall have ten millions and the Atlantic border twenty-five millions, there will be left for the great interior plain seventy millions. These seventy millions will have twenty times as much commercial inter-

course with each other as with all the world besides. It is obvious, then, that there must be built up in their midst the great city of the continent; and not only so, but that they will sustain several cities greater than those which can be sustained on the ocean border."

The commerce of the lakes during the past year has, in consequence of the blockade of the Mississippi, been far greater than any previous year. The trade and commerce of the lakes has been measured by the means of transportation. Every railway was pressed to its utmost capacity, and there was not a single vessel on the lakes but was in service carrying forward the products of the northwest to the seaboard. The receipts of grain at Chicago alone amount to the enormous quantity of 54,093,219 bushels. In 1860 the receipts were 36,504,772 bushels. The increase at Milwaukie and other ports has been in the same ratio.

Accurate statistics of the present commerce of the various lake towns are not at command; but the growth of Buffalo, Rochester, Erie, Cleveland, Toledo, Detroit, Milwaukie, and Chicago, are all indexes of the rapid advance of lake commerce and the agriculture of the west, and in the aggregate reach a magnitude which is entitled to the most favorable consideration of Congress.

Your committee have given but a very imperfect sketch of the wonderfully rapid growth and present importance of the northwest. It abounds in all the elements of a great and prosperous country. It has thus far been the great agricultural section, but, with its inexhaustible supplies of coal, lumber, and metals, it will ere long become a great manufacturing country. The iron and copper of Lake Superior are attracting the attention of the world.

The northwest has grown by the energy and industry of its own hardy, free people, receiving less aid from the federal treasury than any other section. Its harbors, though filled with a commerce in comparison with which that of the now rebel and lately petted and favored seaboard section sinks into insignificance, have yet been neglected, because the water on which that commerce floated *was fresh*. Its defences have been abandoned, and have fallen into decay.

As compared with the south, the northwest has literally received nothing from the national treasury.

The south has had navy yards, fortifications, custom-houses, and harbors, costing millions of dollars. There has been expended on the Gulf of Mexico and the Florida coasts more millions of dollars than the northern frontier has received thousands. The east, too, has had, and very properly, fortifications, forts, armories, navy yards, depots, arsenals, and ships. The northwest asks simply justice, but not even that at this time. In the midst of this war she asks only that some of her most important leading and exposed points be fortified and placed in a condition of defence; that an armory and foundery be established on the lakes to enable her to have the means of arming her citizen soldiers, and that navy yards be established so that naval stores may be collected.

The committee urge these defences as not less important to New England and the great middle States of New York and Pennsylvania

than to the northwest itself. The vast agricultural products of the west find their way to the Atlantic along the great canals and railways running through these States.

New York, possessing the Hudson river, (next to the Mississippi perhaps the most important river in the Union,) has expended to connect it with the lakes over forty millions of dollars. The Hudson, the New York canals, and the great lakes, have made the city of New York the commercial metropolis of the nation. It has thus been brought into water communication with all the interior, and by means of the Illinois and Michigan canal and the Illinois river there have been brought to her wharves and warehouses the agricultural products not only of the vast territory lying around the lakes, but also those of the valleys of the Mississippi and Missouri. So that the figurative orator of New England (Choate) was scarcely extravagant when he described her as holding in one hand the vast commerce of the west, while, with the other, Venice like, "she wedded the everlasting sea."

Pennsylvania also has, by her canals and railways, connected her great city of Philadelphia with these great inland seas. The security of these waters and our national supremacy on these lakes, the protection of our northern frontier, are quite as important, therefore, to the east as to the west, and it is time that the fact was recognized by the government that the shore line of the lakes, 6,250 miles in extent, is scarcely inferior in importance to the Atlantic coast. We trust that our friends of the east will recognize the fact, that the west attained its majority and that its provincial history terminated with the census of 1860. Our brethren of the east will not forget, when asked to vote for defences to these lakes, that these waters, now bearing to the ocean such vast products, have been the scene of the most brilliant naval triumphs which adorn our history.

Fully one-half of the soldiers now in the field in defence of the flag and our nationality have been drawn from the northwest. How gallantly the soldiers of Illinois, Indiana, Ohio, Michigan, Wisconsin, Minnesota, and the other northwestern States are fighting, every battle-field bears its testimony.

The republic has naturally three great systems of navigable waters. The Atlantic on the east, the lakes on the north, and the Mississippi on the west. By means of the New York canals and the Illinois and Michigan canal these are all united by water communication.

It may not be out of place in this connexion, and at this crisis in our national affairs, to recall the provisions of the ordinance of 1787, which declared "that the navigable waters of the Mississippi and the St. Lwarence, and the carrying places between them, shall be common highways, and forever free from any tax, duty, or impost thereon." This guarantee of a free outlet, east and south, the northwest will, under all circumstances and at any cost, insist upon. The value and importance of these vast water communications, the most magnificent on the globe, have been immensely increased by the network of railways, which extend from the lakes south and west, all over the vast inland, bringing to these waters the agricultural

products of more than half the continent. Chicago alone has no less than thirteen great trunk railways radiating from her as a common centre, and bringing to her docks the products of every farm between the lakes and the Rocky mountains.

PLAN OF DEFENCE.

In regard to the general plan of the defences of the lakes and northern frontier, the committee have conferred with the general commanding the army and Brigadier General Totten, of the engineers department, and have adopted, to a considerable extent, their suggestions.

We respectfully urge upon the consideration of Congress the following plan of defences of the northern frontier:

First. The establishment of shore defences at some commanding positions. This will require the erection of some new fortifications and the repair and completion of some already located.

Second. Taking into consideration the great superiority in the American merchant marine on the upper lakes (meaning all the lakes above the Falls of Niagara) in ships, steamers, and sailors, we regard our supremacy on the lakes as dependent in a great degree upon our having the means at hand of arming the merchant marine on short notice. To this end the committee recommend the establishment of a national foundery on the upper lakes, and three naval depots, one on Lake Ontario, one on Lake Erie, and the other on Lake Michigan.

Third. We earnestly recommend for military, not less than commercial purposes, the improvement of the harbors on the lakes, the dredging out and widening of the channel over the St. Clair flats.

Fourth. The enlargement of the Illinois and Michigan canal.

In regard to shore defences.

The entrance to Lake Superior is through the Sault Ste. Marie canal, a work which cost about two millions of dollars, and it is too important to be overlooked. The mineral region of Lake Superior is probably richer in iron and copper than any other in the world; and the iron has been found to be superior in quality, for many purposes, to any other known. These mines have been rapidly developed, and now constitute a most important national interest. Old Fort Brady is represented as commanding the entrance to Lake Superior, and an appropriation for its repair, or a new fort more eligibly situated for the purpose, is recommended.

A military road from *Bay de Noquet*, on Green bay, to Marquette, or some other point, on Lake Superior, and an early completion of the railroad from Appleton to Lake Superior, would afford additional communication with this great lake; and both of these are of great importance for military reasons, and are earnestly recommended to the favorable consideration of Congress. Probably the most important strategic place on the lakes is the Straits of Mackinaw. This strait con-

stitutes the door to Lake Michigan, around which lake lie the States of Michigan, Indiana, Illinois, and Wisconsin, with an aggregate of population amounting to nearly five millions. On its shores are the towns of Grand Haven, Muskegan, St. Joseph, Michigan City, Chicago, Waukegan Kenosha, Racine, Milwaukie, and Green Bay, with many others rising rapidly into importance. The commerce of this lake will exceed $200,000,000 per annum. The great granary of the union has its depots on the border of this lake. It can be defended by adequate fortifications at the Straits of Mackinaw, about three miles wide. Fortifications at the Straits of Mackinaw close the opening or entrance into this great inland sea. When the vast interests thus secured are considered, it is obvious that Lake Michigan, and all its shores and cities, should be defended on the threshold at Mackinaw. The importance of having a great inland sea, like Lake Michigan, converted into a secure harbor, where fleets and navies may be gathered in security; where may be collected magazines of arms and munitions and provisions, can scarcely be exaggerated. Lake Michigan, entirely within our own territory, unapproachable by land, and inaccessible by water by any foreign enemy, except through a narrow strait or entrance, is a position of immense importance, and the policy of closing up its entrance is too obvious to need illustration. Mackinaw should be made the Gibraltar of the upper lakes.

Upon the importance of this locality we insert the following extract from a communication of General Totten:

"As to the stronger works, I consider one at Mackinaw to be indispensable. This will be the principal watching point of the upper lakes. Here war steamers will call to refresh, to communicate with each other, to find shelter, to lie in wait, &c.

"It is hardly to be supposed that a hostile naval expedition coming out of Georgian bay would venture towards the upper lakes, or down Lake Huron, *certainly not into Lake Michigan*, while this point of observation and rendezvous is occupied by our superior squadron. The fort here must be adequate to protect this anchorage, and the defences of the island should be such as to defeat any enterprise designed to wrest it from us by superior force."

The committee are clear in their judgment that, in view of the vast importance of Mackinaw, and the interests there to be defended, the government should take immediate means to close the Straits of Mackinaw against the entrance of any hostile fleet. Fort Gratiot fully commands the entrance to Lake Huron, and should be immediately reconstructed and put in a condition to control this gate to Lake Huron. The lower entrance to the straits or river Detroit from Lake Erie is already well guarded by Fort Wayne. This should be completed and receive its armament. The report of General Totten, in which the committee concur, recommends additional appropriations and defences at Buffalo, to wit: the completion of Fort Porter, on the bluff between Buffalo and Black Rock, and the mounting of its armament, for the protection of the entrance from Lake Erie into Niagara river, and the construction of a tower and shore batteries at the mouth of Buffalo harbor; also an appropriation for Fort Niagara, the con-

struction of defensive works at the mouth of the Genesee river, and the repairs of Fort Ontario at Oswego ; also, appropriations for other defensive works on Lakes Erie and Ontario and the river St. Lawrence, and for the construction of Fort Montgomery, on Lake Champlain. The committee will report bills to carry out these suggestions and recommendations.

It will be observed, in regard to Lake Ontario, that we have no access to that lake from the upper lakes except through foreign territory; our superiority in shipping, therefore, on the upper lakes, would be unavailing on Lake Ontario. It is therefore important that, in addition to the fortification of exposed points, additional provisions should be made for securing and maintaining our supremacy on that lake. The committee recommend the establishment of a naval depot on Lake Ontario for arms, munitions, and naval stores. The possession of this lake is of the utmost importance. These great arteries of trade, the Erie canal and New York Cental railroad, are within a day's march of nearly the length of Lake Ontario, and for a considerable distance within a few miles of its shores. The importance of lake defences to the State of New York has already been alluded to. It will not be forgotten that in the war of 1812 her borders were the scene of bloody battles. Buffalo, now the queen city of Lake Erie, then a small village, was burned. Oswego was captured, and Lake Champlain and Niagara river the scene of some of the most stirring events of the war.

We should pursue no aggressive policy; on the contrary, cultivating amicable relations with all nations, yet at the same time we should look carefully to our defences.

The Secretary of State well said, "that any nation may be said to voluntarily incur danger in tempestuous seasons, when it fails to show that it has sheltered itself on the very side from which the storm may possibly come." And the President of the United States spoke wisely when he said, "it is believed that some fortifications and depots of arms and munitions, with harbor and navigation improvements at well-selected points upon our great rivers and lakes, would be of great importance to our national defence and preservation."

II.

The second proposition, in regard to the defences of the northern frontier, *is the establishment of a national foundery on the upper lakes and of naval depots.* Attention has already been called to the superiority of the American lake marine over that of Canada on the upper lakes. In 1861 the number of American vessels of all descriptions on the upper lakes was 1,166; of Canadian, 326. Our superiority was 830. Our superiority in tonnage was 238,126 tons. Our superiority in sailors, 10,911. This superiority, without arms, is unavailing, and would only invite attack, and the immense merchant marine unarmed would would furnish rich prizes to British gunboats. Great Britain has been collecting an abundance of the

best arms in Canada. The lakes are utterly without arms, what few there were having been taken to the Mississippi. It is therefore of the utmost importance that means of arming these vessels, and the fortifications to be constructed, should be furnished at the earliest possible period. Fortunately we have all the materials for the manufacture of arms and ordnance of the best quality at command, and skilled machinists and artisans, so that, with proper action of the government, the work of making heavy guns may be immediately begun. We insert the following extract from the official report of Messrs. Morris, of the navy, and Totton, of the army, on this point:

"Nearly all the steam vessels, and many sailing vessels, could be very soon prepared to carry heavy guns, and some of them could carry several without inconvenience. If, therefore, the government shall make deposits of ordnance and ordnance stores at convenient posts, and be prepared to officer and man the vessels which they could purchase, the naval control of these important lakes may be considered secure against any attack."

In this connexion, the committee desire to call the attention of Congress to the fact that such is the nation's need of ordnance that we are told by very high authority that it will require three years, with all the means, public and private, now at the command of the government, to furnish the ordnance necessary to arm the fortifications now constructed, or in the process of construction. The committee, therefore, earnestly recommend the immediate establishment of a foundery on the upper lakes. This foundery, the committee recommend, should be located at Chicago. Some of the reasons why, in our judgment, it should be located there, are as follows: Chicago is the great centre of the region to be supplied with arms, and facilities for cheap and rapid distribution are unequalled. She has direct water communication, by lake, and canal, and river, with every portion of the west. Thirteen great trunk railways radiate from her as a common centre, with more than 6,000 miles of railway, and upon these railroads, centring at Chicago, the government can obtain 16,000 cars for transportation. Chicago is, concededly, one of the greatest railway centres on the continent. She can obtain, by cheap and convenient water connexion, the best ores and metals for guns, and especially the inexhaustible ores of Lake Superior, which it should be the policy of the government to develop. With the best materials at command, with an abundant supply of labor and mechanical skill, Chicago, in the judgment of the committee, combines more advantages for the location than any other point.

In regard to the necessity of a manufactory of ordnance, as of primary importance to the defence of the northern frontier, the committee call the attention of Congress to the following remarks from the communication of General Totten:

"The great superiority of our steam and other merchant vessels on the upper lakes, (including Lake Erie,) any portion of which may be promptly converted into war vessels, greatly simplifies defensive arrangements on the shores of these lakes. But that this superiority may be assumed with the requisite promptitude before these means

have been surprised and destroyed by the earlier readiness of an enemy, there should be at hand, actually stored and kept in perfect condition, all the means for converting these large and swift steamers, &c., into vessels of war—that is to say, all the armament and its supplies," &c.

* * * * * * * * *

"Moreover, if for want of adequate protection of this nature the towns and cities had to resort to local defence, these, in many instances, could only be made sufficient at great expense," &c.

The committee are permitted to quote the following paragraph from a communication of *General McClellan:*

"The accumulation of ordnance material in appropriate localities is highly important, and measures for the establishment of a national foundery and manufactory of small arms in the northwest should at once be taken. Chicago is a suitable point for these establishments."

Means of arming the merchant service of the lakes is thus presented as of primary importance.

The lakes are to-day naked of arms; we therefore urge the immediate establishment of this national work, and a collection of naval stores at three points—one on Lake Michigan for the upper lakes, one on Lake Erie, and one on Lake Ontario.

These measures are of the more importance because of the existence of treaty stipulations between the United States and Great Britain, limiting armed vessels in the lakes. This treaty, concluded in 1817, contains the following provisions:

"The naval force to be maintained upon the American lakes by his Majesty and the government of the United States shall henceforth be confined to the following vessels on each side, that is:

"On Lake Ontario, to one vessel not exceeding one hundred tons burden, and armed with one 18-pound cannon.

"On the waters of Lake Champlain, to one vessel not exceeding like burden, and armed with like force.

"On the upper lakes, to two vessels not exceeding like burden, and armed with like force.

"All other armed vessels on these lakes shall be forthwith dismantled, and no other vessels of war shall be built.

"If either party should hereafter be desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice."

Whether this treaty includes Lake Michigan, which is entirely *inland*, may perhaps admit of doubt.

Great Britain has, by means of her Canadian canals, facilities for bringing gunboats and vessels of war from the St. Lawrence and the ocean into the lakes. This is an advantage not to be overlooked. These advantages can only be equalized by the enlargement of the Illinois and Michigan canal. The canals around the rapids of the St. Lawrence are built to pass vessels, from the St. Lawrence to Lake Ontario, 186 feet long, 44½ feet beam, and 9 feet draught. The Welland canal, around the Falls of Niagara, connecting Lakes Ontario

and Erie, is capable of passing vessels 142 feet long, 26 feet beam, and 10 feet draught. It is understood that the British government possesses a large number of gunboats capable of being taken through these canals.

We must command the outlet of Lake Huron and the entrance into Lake Erie by Fort Gratiot and Fort Wayne, provide arms for our lake craft on the upper lakes, and by these means secure and maintain our superiority.

III.

Reference to the advantages growing out of the Canadian canals brings us to the consideration of the importance of *the enlargement of the Illinois and Michigan canal for military purposes.* It will be observed that while we are prohibited from placing vessels of war on the lakes, Great Britain can accumulate gunboats at her pleasure on the St. Lawrence, and by her canals bring them into Lake Erie. We must remedy this by widening the Illinois and Michigan canal. As early as 1822 Congress authorized the State of Illinois to open a canal through the public lands to connect the Illinois river with Lake Michigan. In 1827 a quantity of land was granted to the State of Illinois for the purpose of aiding in opening this canal.

The work was surveyed and commenced in 1836. It begins at Chicago and runs to La Salle, the head of navigation on the Illinois river, a distance of ninety miles. It was originally designed to make what was called the deep cut, which was to use Lake Michigan as a feeder. The work was more than half completed on this basis, but owing to financial difficulties the original plan was postponed, and it was completed in 1848 on the high level, and fed by the Calumet, Chicago, Desplane, Kankakee, and Fox rivers.

The realization of the grand idea of a ship canal from Lake Michigan to the Mississippi for military and commercial purposes *is the great work of the age.* In effect, commercially, it turns the Mississippi into Lake Michigan, and makes an outlet for the great lakes at New Orleans, and of the Mississippi at New York. It brings together the two great systems of water communications of our country. The great lakes and the St. Lawrence, and the canals connecting the lakes with the ocean on the east; and the Mississippi and Missouri, with all their tributaries on the west and south. This communication so vast can be effected at small expense, and with no long delay. It is but carrying out the plan of Nature. A great river rivalling the St. Lawrence in volume at no distant day was discharged from Lake Michigan, by the Illinois, into the Mississippi. Its banks, its currents, its islands and deposits can still be easily traced, and it only needs a deepening of the present channel for a few miles to reopen a magnificent river from Lake Michigan to the Mississippi.

Had this ship canal been open, its cost would have been nearly or quite saved during the past year, in the saving of the expenses of the expenditures on the Mississippi. The gunboats for the Mississippi expeditions could have been readily and cheaply obtained at

the great ship-building ports on the lakes. This canal opened, and instead of two fleets of gunboats, one for the defence of the western rivers, and the other for the defence of the lakes, you may make one fleet answer both purposes, as necessity may require. It would enable the government to concentrate the military resources of the great lakes and the Mississippi and its tributaries on either or anywhere, as occasion might require. The opening of this canal would place us on an equality with Great Britain, in enabling us to bring from the Atlantic even the means of defending the lakes and rivers. Great Britain, with a wise sagacity, expended many millions on her Canadian canals. The enlarging of the Illinois and Michigan canal will give us equal advantages at far less cost.

The military committee of this house being, as it is understood, about to report in favor of this work, we forbear to dwell upon the subject further, and will only add our hearty concurrence in their recommendation.

The improvement of the harbors of the great lakes and the widening and deepening of the channel across the St. Clair flats are of immediate and pressing importance, not less for military than commercial reasons. No great commercial interest in the world has ever grown so rapidly and with so little encouragement on the part of the government as the lake commerce. The construction of a canal around the Falls of Niagara is a work national in its character, and which but awaits the return of peace and prosperity of the country to receive the attention of Congress.

In regard to the upper Mississippi, the committee desire to call the attention of Congress to the fact that an appropriation of $50,000 was made in March, 1861, for the construction of a military post in or near the valley of the "Red River of the North," or so much thereof as might be deemed necessary by the Secretary of War. The long line of frontier between British North America and the State of Minnesota is without protection by our government, while Great Britain has two forts: one on the north shore of Lake Superior, (Fort William,) another (Fort Gary) on the "Red River of the North," about fifty miles north of the international line. In view of these facts, and of such unexpended appropriation in the hands of the Secretary of War, we trust this frontier will receive the early attention of the War Department, which, in the judgment of the committee, it is justly entitled to.

The great interests which your committee ask Congress to protect are peculiar in their position and in their relations to the republic. The northwest is *inland*. It has, as its great channels of communication to the ocean, the great rivers St. Lawrence and Mississippi, and the canals and railways connecting the lakes and the ocean. It can never consent to become isolated from either of these great outlets; no foreign territory *must ever intervene* between it and the mouth of the Mississippi. With one hand it clasps the east, and with the other it grasps the south, and *it will hold this Union together.* The northwest is as much in earnest in determination to preserve this Union as traitors are to destroy it.

The northwest believes that our nationality is worth all the blood and all the treasure which it may cost to preserve it, and she places her all of men and money at the command of the government for that purpose.

The committee will report bills to carry into effect the foregoing recommendations.

All of which is respectfully submitted.

ISAAC N. ARNOLD.
JAMES M. ASHLEY.
JNO. W. NOELL.
CYRUS ALDRICH.
ELIJAH BABBITT.
W. A. WHEELER.
E. G. SPAULDING.
B. F. GRANGER.

FEBRUARY 10, 1862.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 24.

JOSEPH G. TOTTEN.

[To accompany bill H. R. No. 272.]

FEBRUARY 17, 1862.—Ordered to be printed.

Mr. FENTON, from the Committee of Claims, made the following

REPORT.

The Committee of Claims, to whom was referred the petition of General Joseph G. Totten, make the following report:

The petitioner sets forth, and the facts are proved, that a conditional verbal agreement was made by the proper authorities of the United States in 1854, with William Aspinwall, for the purchase of additional land for fortifications on Staten island, at the narrows of New York harbor, for the sum of $42,300; that while the agreement was waiting the sanction of Congress, Mr. Aspinwall, as he was leaving the country for Europe, executed a deed to the United States for the same, which deed he left with his agent to be delivered whenever the purchase money should be paid by the United States. From inadvertence or inaccurate memory, the price to be paid was therein stated to be $42,500, instead of $42,300.

While Mr. Aspinwall was absent from the country in 1857, a special appropriation of $42,300 was made for the purchase of the property in question.

General Totten was, at the time the appropriation was made, at the head of the engineer department. Lieutenant Gillmore was the officer in charge of the disbursements for the particular branch of service for which the money was appropriated. The sum appropriated being $200 short of the consideration named in the deed, the property could not be secured without the advance, from some other source than the appropriation, of that sum.

General Totten had been urgently pressing the purchase of the property in question for years, and deeming the acquisition of it as of vast importance to the United States, and that no further time ought to be lost, he directed Lieutenant Gillmore to pay the additional $200 out of the fund in his hands appropriated for "contingencies of fortifications."

Upon the settlement of Lieutenant Gillmore's accounts the accounting officer at first refused to allow this item, there being no law authorizing the expenditure. Upon evidence, however, that the $200 was paid by order of the commanding officer, they modified their decision

so as to correspond with Army Regulations, paragraph 909, which provides that the subordinate, under such circumstances, shall have credit, and the sum so credited "shall be charged to the officer who ordered" the expenditure, and allowed the credit to Lieutenant Gillmore, and debited it to the account of General Totten, who thereupon paid the same into the treasury.

There is among the papers on file a letter from General Totten, explaining very fully the whole transaction, to which reference is hereby made.

As the purchase of the property was of very great importance, and promptness of acquisition exceedingly desirable, your committee think that the sum thus advanced by General Totten ought, in justice and equity, to be refunded, inasmuch as the United States received the entire benefit of the expenditure.

They therefore report a bill for his relief.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 25.

THOMAS FORSTER.

[To accompany bill H. R. No. 273.]

FEBRUARY 14, 1862.—Ordered to be printed.

Mr. FENTON, from the Committee of Claims, made the following

REPORT.

The Committee of Claims, to whom was referred the petition of Thomas Forster, claiming pay for services rendered on account of Dunkirk harbor improvement, make the following report:

That it appears, from a statement made by Lieutenant Colonel J. D. Graham, of the corps of United States topographical engineers, that the petitioner performed services as custodian of the public property belonging to Dunkirk harbor improvement, New York, from December 1, 1856, to December 31, 1859, both inclusive, being eleven hundred and twenty-six days.

For this service Mr. Forster charges two dollars per day, and Lieutenant Colonel Graham certifies "that the rate of compensation charged, and the time to which Mr. Forster was last paid, namely, until December 1, 1856, are in accordance with Colonel William Turnbull's official report, dated Oswego, December 16, 1856," at which time Colonel Turnbull was relieved by Colonel Graham.

And Colonel Graham further says: "There being no funds appropriated out of which Mr. Forster can be paid, owing to the last appropriation for Dunkirk harbor being exhausted, I recommend a special appropriation for the payment of the above account."

In a letter dated December 8, 1860, the petitioner presented a further claim of $400 for services rendered, but there is no evidence to support it.

Your committee consider the services for the 1,126 days fully proved, and regard the sum charged per day as reasonable; they, therefore, report a bill for the relief of the petitioner for $2,252.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 26.

B. Y. SHELLEY.

[To accompany bill H. R. No. 274.]

FEBRUARY 17, 1862.—Ordered to be printed.

Mr. LANSING, from the Committee on Indian Affairs, made the following

REPORT.

The Committee on Indian Affairs, to whom was referred the memorial of B. Y. Shelley, of Nebraska Territory, praying for indemnity for his improvements at Blackbird City, Burt county, N. T., which were taken from him by the Omaha Indian reservation, through the action of the government of the United States, have had the same under consideration, and respectfully report:

From the evidence adduced in this case, it clearly appears that the memorialist made a settlement and commenced valuable improvements on his pre-emption claim, on the west bank of the Missouri river, in said Territory, on the 17th day of October, 1854.

A treaty having been concluded with the Omaha Indians on the 17th day of April, 1854, by which all that portion of said Territory belonging to them lying south of Ayoway river was ceded to the United States, and Congress by the passage of the Kansas and Nebraska act on the —— day of ——, 1854, and by the appointment of the territorial officers and *their subsequent action under that act*, a legal and actual government was put in operation in the Territory of Nebraska, and *upon the very land ceded by the said Indians*, as appears upon reference to the volume containing the laws of Nebraska Territory passed at the first regular session of its legislature.—(See proclamation of the governor locating the capital and convening the legislative assembly upon the same, page 52 of said vol., on the 20th December, 1854, the period at which the settlement and improvements of the memorialist were made.) The change in the Omaha Indian reservation which involved the possessions of the memorialist was made pursuant to instructions from the Indian bureau, dated March 21, 1855, as appears upon reference to the communication from the Commissioner of Indian Affairs to Hadley D. Johnson, dated June 21, 1855.

And further, by an act passed by Congress, approved July 22, 1854, entitled "An act to establish the office of surveyor general for New Mexico, and Kansas and Nebraska," in the 7th section of said act, it

is provided that both the surveyed and unsurveyed lands of Nebraska shall be subject to the law of Congress of 1841, granting pre-emption rights to actual settlers. Hence it appears that Dr. Shelley, the memorialist, had a right, according to law, to make his claim at the time and place that he did make it. It is true that in the first article of the treaty before referred to, with the Omaha Indians, there is a provision in these words: "*Provided, however*, That if the country north of said due west line, which is reserved by the Omahas for their future home, should not, on exploration, prove to be a satisfactory and suitable location for said Indians, the President may, with the consent of the said Indians, set apart and assign to them within or outside of the ceded country a residence suitable for and acceptable to them." And from this the Indian department has argued that the memorialist had no right to make his settlement. But this argument, if good, would prove too much, and would show equally that every settlement in that Territory was illegal, notwithstanding the acts of the general government above referred to. In short, the committee can see no difference between the claim as made by Dr. Shelley, and claims made upon the same land by hundreds of others about that time at Omaha City and other points, the legality of which was recognized by the land office of the general government in confirming and perfecting their titles in the same.

The proof is clear that Dr. Shelley never was regularly notified that the Omahas had selected that portion of country (which included his claim) in lieu of that set apart by the treaty as their reservation.

The proof is also clear that the claimant had a very valuable claim; that it was worth and could have been sold at from five to ten thousand dollars during his occupancy of the same, and that it would have realized for him forty to fifty thousand dollars had he been permitted to carry out his plans; that he had expended from fifteen hundred to two thousand dollars in improving it; that the legislature of the Territory had established the county of Blackbird and located the seat of justice of said county at Blackbird City, and upon his claim; that this town was located at a point on the Missouri river that bid fair to be one of the leading towns in the Territory, and that the memorialist had established a ferry across the Missouri river at that point.

And it is further shown by the evidence that the memorialist was, on account of having to surrender his claim when he had such flattering prospects, and had expended all he was worth in improving it, and suffered all the privations and hardships of an extreme frontier, entirely prostrated, both in body and mind, and for three years did not recover sufficiently to follow any business.

Finally, while the committee think it doubtful whether the government is legally bound for all the consequent damages to the memorialist in thus depriving him of his property, yet there can be no doubt he is legally and equitably entitled to a reimbursement of the money he expended; and so believing, they recommend the passage of a bill for his relief.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 27.

ELIZABETH ODELL, MARY WOODBURY, AND OTHERS.

[To accompany bill H. R. No. 276.]

FEBRUARY 17, 1862.—Ordered to be printed.

Mr. ALDRICH, from the Committee on Indian Affairs, made the following

REPORT.

The Committee on Indian Affairs, to whom were referred the petitions of Mary Woodbury, Elizabeth Odell, and of Joseph Mozeau's children and ward, half breeds of the Sioux tribe of Indians, praying for the payment of money stipulated to be paid them under the treaty of 1837, *report:*

That the clause of the treaty referred to is in the words following, to wit:

"To pay to the relatives and friends of the chiefs and braves, as aforesaid, having not less than one-quarter of Sioux blood, one hundred and ten thousand dollars, to be distributed by the proper authorities of the tribe, upon principles to be determined by the chiefs and braves signing this treaty, and the War Department."

In 1838 the War Department appointed Messrs. Pearce and Ewing, commissioners, on the part of the United States, to carry into execution this clause of the treaty. The instructions of the War Office to the commissioners bear date July 26, 1838. After stating the views of the department, as to the principles which should be observed in the distribution of the money, these instructions say:

"In the case of children who are orphans, or have been deserted by their parents, you are authorized to place their respective shares in the hands of some trustworthy person, who will apply it faithfully for their benefit. In the selection of this person you will consult the wishes of the chiefs, but they will not necessarily determine your action."

Under date of November 5, 1838, the commissioners made their report to the Indian Office; from this report it appears that it was determined by them that the petitioners, Mary Woodbury, then (Taliaferro,) and Elizabeth Odell, then (Williams,) were entitled to receive under the treaty, the former the sum of *seven hundred and fifty dollars*, and the latter the sum of *five hundred dollars*; and that *J. H. Mozeau, Sophia Mozeau*, Antoine Mozeau, and Joseph Labathe,

children and ward of Joseph Mozeau, were entitled likewise to receive, the first the sum of *seven hundred and fifty dollars*, and the other three the sum of *five hundred dollars* each. They ordered also that the sums awarded to the persons first named should be paid to Lawrence Taliaferro, and to the four persons last named to Samuel Stambaugh, as trustees. It does not in any way appear that the chiefs and braves were consulted or in any way consented to the appoint- of these trustees, or the payment of the money into their hands.

The testimony shows that the chiefs and the braves not only withheld their consent to this action of the commissioners, but actually *protested* against it. No security was required of the trustees, and the evidence shows that the petitioners have never received any benefit from the payment so made for them to unauthorized and irresponsible parties.

Your committee are of opinion that the provisions of said treaty were not carried out by the commissioners of the United States, in paying the amounts awarded to the petitioners to trustees who were not required to give security for the faithful performance of their trust, and without the consent of the chiefs and braves who represented the parties in interest; and that the government is still liable to pay to the petitioners such portions of the sums awarded as the trustees failed to pay. They therefore report a bill herewith.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 28.

NATHANIEL McLEAN, R. G. MURPHY, AND C. E. FLANDREAU.

[To accompany Bill H. R. No. 277.]

FEBRUARY 17, 1862.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Indian Affairs, made the following

REPORT.

The Committee on Indian Affairs, to whom was referred the memorial of Nathaniel McLean, R. G. Murphy, and C. E. Flandreau, have had the same under consideration, and submit the following report:

It seems, upon investigation, that Nathaniel McLean was appointed Indian agent of the Sioux, in Minnesota, on the 3d day of December, 1849, and continued to hold said office until the 22d day of May, 1853, when he was succeeded by Richard G. Murphy, who officiated until the 16th day of October, 1856, when he was succeeded by Charles E. Flandreau, who continued to hold the office until the 3d of March, 1857. The compensation was then but $1,000 per annum, although it was understood by all that the salary should be increased to $1,500 per annum, being the same as agents of the other tribes received.

This was recommended by Luke Lea, Commissioner of Indian affairs, in a letter sent to Governor Ramsey, who was also acting as superintendent of Indian affairs of Minnesota at that time. Governor Ramsey also recommended the same. George W. Manypenny, commissioner of Indian affairs in 1853, and Willis A. Gorman, governor of Minnesota, and ex-officio superintendent of Indian affairs, also recommended the same.

More lately, A. B. Greenwood, the recent Commissioner of Indian affairs, recommended an increase to the sum which other agents received.

Wm. J. Cullen, ex-superintendent of Indian affairs, also urged upon the government the justice of such allowance.

All of these give as their reasons for an extra compensation that the duties of the agent were much more arduous than a large majority of the other agencies; that the disbursements were much greater, and that the receipts exceeded nearly all others: the removal of the Sioux was attended with much trouble, and that the duties in other respects warranted the salary to be equal to the sum paid the other agents.

Subsequently, after the retiring of the last-mentioned memorialist, the salary was increased to the sum of $1,500.

The committee considering these facts, unanimously recommend the sum asked for in the bill presented by Mr. Mitchell.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 29.

RALPH KING.

FEBRUARY 17, 1862.—Laid on the table, and ordered to be printed.

Mr. POMEROY, from the Committee on Foreign Affairs, made the following

REPORT:

The Committee on Foreign Affairs, to whom was referred the petition of Ralph King, late United States consul to Bremen, for compensation for alleged extra services rendered by him for the benefit of the United States during the years 1851, 1852, *and* 1853, *respectfully report:*

That they have had the matters embraced in said petition under consideration, and, without controverting any of the facts therein alleged, have come to the conclusion that the same do not make a case entitling the petitioner to the relief asked for, or to any part thereof.

The accompanying communications from the State Department are also submitted as a part of this report, and to which reference is hereby made, as containing the grounds upon which the committee base their conclusion.

The committee therefore report the following resolution:

Resolved, That the prayer of the memorialist be not granted.

DEPARTMENT OF STATE,
Washington, February 7, 1854.

SIR: I have the honor to acknowledge the receipt of your letter of the 3d instant, enclosing the memorial of Ralph King, esq., late United States consul for the republic and free Hanseatic city of Bremen, praying, in the first instance, compensation for extra services rendered to the United States during the years 1851, 1852, and 1853; and, in the second place, for the allowance of a small item for record books and stationery in his account with the Department of State. You state that the committee desire such information in regard to these claims as may enable them to decide correctly whether an appropriation should be made for the benefit of the claimant.

The information which is sought by the committee is contained in the correspondence of Mr. King and the voluminous documents accompanying it, which were transmitted to this department while he held

the office of United States consul at Bremen; the necessity of its careful examination has delayed, for a few days, an answer to your communication.

From the fact that the United States have no diplomatic agent at Bremen, and neither a diplomatic agent or consul in the adjoining kingdom of Hanover, it became necessary for Mr. King, in his efforts for the protection of the persons and property of American citizens, and in defending their rights, unjustly assailed, to enter into correspondence with the local authorities both of Bremen and Hanover, and discuss questions entirely diplomatic in their character, requiring careful consideration and much legal knowledge. The department has also reason to believe that Mr. King was subjected to some pecuniary expenses in consequence of being compelled to leave his consulate and visit Hanover for the purpose of having personal interviews, on public business, with the local authorities.

This will be very evident from a statement of the facts connected with the cases referred to by Mr. King in his memorial.

By the 6th article of the convention of 1827 between the United States and the free Hanseatic republics of Lubec, Bremen, and Hamburg, it was "agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both parties, to manage themselves their own business in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise by wholesale or retail, as with respect to the loading and unloading and sending off their ships: submitting themselves to the laws, decrees, and usages there established, to which native citizens are subjected, they being in all these cases to be treated as citizens of the republic in which they reside, or at least to be placed on a footing with the citizens or subjects of the most favored nation."

It appears that in Bremen there are different classes of citizens, some of whom possess certain privileges, especially the liberty of trading, from which a large majority is debarred. The full enjoyment of these privileges depends upon their inheritance by birth, or by the payment, once for all, of a considerable sum, or by the payment of an annual tax. On the first official examination, in 1828, at Bremen, of the interpretation to be placed on the above article in respect to American citizens as to their right of managing themselves their own business, it was decided that they were placed on the same footing with the *privileged* part of Bremen citizens. This interpretation had the effect, as stated by Senator Duckwitz, "of calling into existence a class of privileged foreigners, who do not only fully possess certain privileges of trade in preference to other foreigners, but even in preference to far the greater part of the citizens of Bremen." This led to the enactment of a law, on the 16th of November, 1829, by which the citizens of Bremen above referred to might possess the right of trading on the payment of an annual tax of fifty rix dollars. By this enactment American citizens, notwithstanding the stipulations of the 6th article of the convention, were compelled to transact their business through the agency of the authorized class of Bremen citi-

zens, or submit to the payment of the tax. This state of things continued for more than twenty years, and the law was acquiesced in by all Americans residing in Bremen, so far as it was known to the department, without remontrance.

In August, 1851, Mr. King called the attention of the Bremen senate to this infraction of the 6th article of the convention, in relation to the case of Captain Foster, of the ship "Hahnemann," and of Mr. Wenzel Hille. He stated that "this article in the treaty, establishing reciprocity in commercial matters, is to my mind perfectly clear. When I refer to the sentence giving commercial rights to citizens of both parties submitting themselves to the laws, decrees, and usages there established to which native citizens are subjected, the word *native* has a most important bearing, particularly as in the United States we have no privileged classes. In commercial matters the *native* citizen never has had a right superior to the *naturalized* citizen, while in the republic you have various classes who possess commercial rights either by *birth* or purchase. Surely this sentence must imply that citizens of the United States have the same commercial privileges that *any* of your citizens enjoy, submitting themselves to the laws, decrees, and usages to which those of your citizens submit who have acquired such by *birth;* consequently, all commercial rights acquired by birth in this republic are equally secured to the citizens of the United States by treaty."

At the conclusion of a long correspondence between Mr. King and the Bremen authorities, it was announced that the senate of Bremen had been induced to instruct their authorities that the regulations of the law of November 16, 1829, are henceforth no longer to be applied to those foreigners who prove themselves to be American citizens.

The next case referred to by Mr. King is that of the bark "Arethusa." Mr. King states that, at his own urgent solicitations, in consequence of the frequent complaints made by United States shipmasters of the arrest of their seamen for debt at Bremerhaven, the government of Bremen passed a law for the protection of seamen, by which, as the department understands, debts or engagements made by seamen were regarded as illegal, and having no binding force. To evade this law, a claim at Bremerhaven on the seamen of the bark "Arethusa" was transferred to a subject of Hanover.

It will be remembered that, in 1829, Bremen acquired from Hanover a small tract of land on the right bank of the Weser, where it established the seaport of Bremerhaven, which is about forty miles from Bremen. Hanover exercises full sovereignty over the Weser at Bremerhaven to the middle of the river; thus vessels in leaving Bremen or Bremerhaven are compelled to pass through waters over which Hanover claims jurisdiction.

Mr. King demanded of the Hanover authorities the immediate discharge from prison of the five American seamen, and the payment of the amount of damage sustained by Captain Crowell in the detention and exposure of his vessel.

After considerable correspondence between Mr. King and the Hanoverian prime minister, Baron Von Scheele, Mr. King was informed

by the latter, on the 18th of September, that the five seamen had been released at the request of their creditor, who had procured for them a passage to New York.

On October 29, 1852, Mr. King called the attention of the burgomaster at Bremen to the case of Mr. Jesse A. North, a citizen of the United States, who had been for several weeks incarcerated in prison for debt, under a warrant from the city court. Upon application to the judge of that court, Senator Dr. Schumacher, for his release as a bankrupt, Mr. King was referred to Senator Dr. Caesar, judge of the superior court, whose jurisdiction covered all such cases. Mr. King engaged Dr. F. A. Meyer to draw up a petition, signed by the said North, declaring himself a bankrupt, and begging the same relief as is afforded citizens of the republic of Bremen under their bankrupt law; but the prayer of the petitioner was refused, on the ground that he was not a citizen. Such an opinion from the head of the superior court greatly surprised Mr. King, as he stated to the burgomaster, "since the 8th article of the treaty is so *very explicit*, granting the protection of the courts and the laws equally to citizens of both parties '*transient or dwelling therein*,' on the same terms which are usual and customary with the natives or citizens of the country at which they may be. These terms have ever been most faithfully carried out on the part of the United States to any of your citizens who have applied in that country for relief, either *transient or dwelling therein*."

After many remonstrances on the part of Mr. King against the course taken by the Bremen authorities, Mr. North was at length released on January 4, 1853. The cases that have been now noticed, in which Mr. King exercised functions properly belonging to diplomatic agents, are the principal ones which are referred to in his memorial. There are two or three others in which his active exertions were used in behalf of naturalized citizens of the United States who were arrested in Hanover on claims for military service alleged to be due to that government, and who probably were indebted for their release to his strenuous efforts.

In respect to an appropriation for the relief of Mr. King, it may be stated that appropriations have occasionally been made by Congress to meet cases where United States consuls have been specially instructed to perform diplomatic duties, in the absence of a United States minister or chargé d'affaires. But no instance is recollected of an appropriation having been made for extra services performed by a consul, where a United States mission had not been previously established.

As the propriety of allowing a particular item in Mr. King's accounts will require a re-examination of them, it will form the subject of another communication.

I am, sir, &c.,

W. L. MARCY.

Hon. A. P. EDGERTON,
Chairman of Committee of Claims, House of Representatives.

DEPARTMENT OF STATE,
Washington, January 22, 1862.

SIR: I have the honor to acknowledge the receipt of your communication of the 20th instant, transmitting the memorial of Mr. Ralph King, who claims compensation for alleged diplomatic services while in charge of the United States consulate at Bremen.

The communication of the late Secretary of State, Mr. Marcy, to which you refer, contains all the information on the subject necessary to a full exhibition of the services of Mr. King.

In addition to what is stated by Mr. Marcy, I consider it proper to remark that in a country where the government of the United States has no minister the duties of the consul expand into a larger field, as he is of necessity called upon to communicate with his own government, or with that near which he resides, in matters which would otherwise devolve on a minister. Thus, we have no ministers in many of the states of the German Bund, as, for instance, in Bavaria, Saxony, Wurtemburg, Hanover, the Hessen, Frankfort, Bremen, Hamburg, and consequently in these and other states, wherein we have consuls but no ministers, it becomes the office, perhaps it may be said the right of the consul to place himself, with the permission of the President, in direct communication with the political authorities of such governments. But it by no means follows, that because a consul of the United States in Bremen, for instance, is permitted to have direct communication with the government of that free and Hanseatic city, he therefore becomes a diplomatic personage, with international rights as such, or entitled to compensation as a diplomatic officer.

The printed and manuscript instructions given to our consular officers are very full and explicit in regard to the nature of the office and its duties, and when they accept consular appointments they do so with ample means of becoming acquainted with the multifarious services which they may be required to perform.

Their compensation also is well known and determined by law, and they can neither expect nor in justice demand from the government of the United States a larger compensation than is affixed by law to their respective offices for the discharge of any duties which properly devolve upon them.

The remark of Mr. Marcy near the close of his communication is very just and pregnant with meaning. He says, "no instance is recollected of an appropriation having been made for extra services performed by a consul where a United States mission had not been previously established."

We have ministers in twenty-nine countries only, whereas we have consuls in more than sixty countries; and if extra compensation, on the pretence of extra services, is granted by Congress to any one consul in a country where we have no minister, a long time will not

elapse before other consuls, similarly situated, will also besiege Congress for extra compensation.

The papers transmitted with your letter are herewith returned.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. THEODORE M. POMEROY,
Committee on Foreign Affairs, House of Representatives.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 30.

JOHN L. CHAMPE.

FEBRUARY 17, 1862.—Laid on the table, and ordered to be printed.

Mr. J. H. RICE, from the Committee on Revolutionary Claims, made the following

REPORT.

The Committee on Revolutionary Claims, to whom was referred the memorial of John L. Champe, one of the heirs of Sergeant John Champe, asking remuneration for the services of said John Champe in the revolution, respectfully report:

That the services performed by Sergeant Champe in the war which gave birth to our nation were most patriotic and meritorious, and attended with peculiar difficulties and peril, for which he, or his descendants, might, in our *past* days of prosperity, have been with justice and propriety remembered and remunerated by a grant of money or lands. But *now*, when our nationality is in imminent peril, and the people must be taxed to the utmost verge of their ability and endurance for its maintenance. your committee believe that no claims upon the national treasury or domain should be allowed, paid, or granted, except such as the national faith and honor shall absolutely require. The claim of the memorialist, not being of this description, in the opinion of the committee should not be allowed, and we ask to be discharged from the further consideration thereof.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 31.

ANN WOOSTER.

FEBRUARY 17, 1862.—Laid on the table, and ordered to be printed.

Mr. J. H. RICE, from the Committee on Revolutionary Claims, made the following

REPORT.

The Committee on Revolutionary Claims, to whom was referred the petition of Ann Wooster, heir of John Yates, for half pay and lands to which she claims to be entitled on account of the services of said John Yates as paymaster in the revolutionary army, respectfully report:

That no papers have been presented or proof offered to sustain the petitioner's statement, and that none such can be found in the custody of the House; therefore her petition should not be granted, and we ask to be discharged from its further consideration.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 32.

JOSEPH C. G. KENNEDY.

[To accompany bill H. R. No. 278.]

FEBRUARY 17, 1862.—Ordered to be printed.

Mr. NOELL, from the Committee of Claims, made the following

REPORT.

The Committee of Claims, to whom was referred the claim of Joseph C. G. Kennedy, have had the same under consideration, and have instructed me to report:

That the government, as appears by the evidence on file, occupied for the Department of the Interior the buildings and property of the claimant for the space of three years, at an annual rent of seventeen hundred and fifty dollars, fixed by referees appointed by the Secretary of the Interior. It is also shown by the statement of the then Secretary of the Interior, that it was understood by him that the government, when its occupation ceased, should repair the premises and make good the damages, as had been the practice theretofore. It is also in proof the premises were damaged to the amount of at least two thousand dollars, no part of which was paid and no repairs whatever made. The committee is of opinion that to the amount of two thousand dollars the claim is a just one, and ought to be paid. The other branch of the claim is as follows:

The census board was constituted by act of 3d March, 1840, with the power to appoint a secretary, but without fixing his compensation.—(9 Stat., 402.) Mr. Kennedy was appointed secretary. The 20th section of the act of May 23, 1850, authorized the allowance to the secretary of the census board of a salary of $3,000 per annum "during the period he has been in their employ."—(9 Stat., 432.) The 19th section of the same act provided for the appointment of a superintending clerk of the census, at a salary of $2,500 per annum. This appointment was also conferred upon Mr. Kennedy, and accepted by him. But as the census board was not dissolved, and as he still continued to act as its secretary, he continued to claim the salary of $3,000, which the Comptroller of the Treasury refused to allow, on the ground that the office of secretary of the census board was superseded by that of superintending clerk of the census.

In order to settle the question thus raised, the Secretary of the

Interior addressed a communication to the census board, inquiring whether they regarded their labors as ended and their secretary discharged from his duties; to which the board responded that they did not consider the census board as dissolved, or Mr. Kennedy, its secretary, discharged from duty. This correspondence occurred in September, 1851, and would seem to show that Mr. Kennedy was still performing the duties of secretary of the census board, for at least sixteen months after his entering upon the duties of superintending clerk, and according to usage was entitled to the higher salary applicable to either of the two offices which he filled.

But in consequence of the continued objection of the Comptroller, the Secretary of the Interior. in March, 1852, addressed a note to the chairman of the Senate Committee on the Judiciary, suggesting the introduction of a clause into the supplementary census bill, then pending, fixing the salary for the performance of both duties at $3,000.

With a view, it is presumed, of accomplishing the object desired by the secretary, a clause was introduced into the supplementary bill "that the twentieth section of the said act [of 23d May, 1850] be amended by striking out the words '*has been*' from the last line, and inserting the words '*may necessarily be*' in lieu thereof." It w ll be perceived that the effect of this amendment was to provide for the payment of the salary of $3,000 to the secretary of the census board *during the time he may necessarily be in their employ, instead of during the time he has been in their employ*, as provided in the original act.

At the commencement of the next session of Congress, it was represented to the chairman of the Judiciary Committee of the Senate that the above amendment of the act of 1850 might enable the memorialist to claim and receive the two salaries of secretary of the census board and of superintending clerk, amounting to $5,500 per annum. This led to the adoption of the joint resolution of 23d December. 1852, which had the effect not only to repeal the above amendment to the act of 1850, but to provide that the act should "be so construed that no allowance as compensation be made to any person for constructive or any other service rendered as secretary to the census board, after the first day of June, 1850."—(10 Stat., 260.)

In reference to this resolution Mr. Downs stated in the Senate that Mr. Kennedy was "claiming nothing more than the salary of $3,000, to which he is entitled, and to which he was entitled."—(Congressional Globe, vol. 24, part 3, p. 2226.) And Mr. Meade, of Va., in the House of Representatives, said: "As well as I can recollect, there was an error committed, by which the superintendent of the census might, by the strict letter of that bill, draw his pay both as clerk of the census board and superintendent of the census. When the Senate became aware of this mistake, they sent down to us this joint resolution for its correction. It gives the superintendent *the choice of being paid as clerk of the census board or superintendent of the census.*"

The construction given to the joint resolution by the accounting officer of the treasury is, that it limits the compensation of the memorialist, for all the duties performed by him in either or both capa-

cities, to $2,500 per annum from the 1st of June, 1850; and as he had already been paid at the rate of $3,000 per annum, up to the time of the passage of the joint resolution, (December, 1852,) he has been officially called upon to refund to the treasury the $500 per annum received over that sum. By the act of the 22d of April, 1854, after the memorialist had left the office, the salary was definitely fixed at $3,000 a year.—(10 Stat., 276.)

In view of all the circumstances, the committee are of opinion that the sum ultimately fixed upon as a proper compensation for the duties of the office, namely, $3,000 a year, is a reasonable one, and that the memorialist is fairly and equitably entitled to that rate of compensation; and they report a bill accordingly.

The committee report the accompanying bill and recommend its passage.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 33.

UNITED STATES NOTES.

[To accompany bill H. R. No. 240]

FEBRUARY 18, 1862.—Committed to the Committee of the Whole House on the state of the Union, made the special order for Wednesday the 19th at 1 o'clock p. m., and ordered to be printed.

Mr. STEVENS, from the Committee of Ways and Means, made the following

REPORT.

The Committee of Ways and Means, to whom were referred the amendments of the Senate to bill (H. R. 240) "to authorize the issue of United States notes, and for the redemption or funding thereof, and for funding the floating debt of the United States," have had the same under consideration, and beg leave to report as follows:

They recommend that the House of Representatives agree to the 1st, 3d, 8th, 11th, 12th, 13th, 16th, 17th, 20th, 21st, 22d, 23d, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32d, 33d, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, and 42d amendments of the Senate.

They recommend that the House of Representatives disagree to the 2d 4th, 5th, 6th, 7th, 9th, 10th, 14th, 15th, and 19th amendments of the Senate.

They recommend that the House of Representatives agree to the Senate's 18th amendment, with an amendment as follows: after the word "notes," in the 3d line of said amendment, add the words *or coin*, and after the word "rate," in the 10th line, strike out the words *of five*, and insert: *which the Secretary of the Treasury may from time to time prescribe, not exceeding six;* and after the word "notes," in the 11th line, add the words *or coin.*

Note.—This refers to the printed bill.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 34.

TO ESTABLISH A COURT FOR THE INVESTIGATION OF CLAIMS.

[To accompany Bill H. R. No. 226.]

FEBRUARY 19, 1862.—Ordered to be printed.

Mr. PORTER, from the Committee on the Judiciary, made the following

REPORT:

The Committee on the Judiciary, to whom was referred that part of the President's message which relates to the Court of Claims, report as follows:

Experience has proved, if any proof were needed, that Congress is not the proper tribunal for the adjudication of private claims against the government. It has often rejected just demands, and not unfrequently allowed unjust ones. It has failed to establish any uniform rules for its decisions. Claimants have been delayed from year to year for whole generations, and the time and attention to be devoted to great national interests have often been diverted to merely private claims. The important subjects of legislation which will engage the attention of Congress for many years will render it impossible for this body to attend to its legislative duties without postponing the consideration of private claims. It is obviously the duty of Congress to provide at once some means for the adjudication and settlement of such claims as are just. "It is as much the duty of the government," it has been said, "to render justice against itself as it is to administer justice between private citizens." It is believed that no civilized nation, except our own, has failed to provide a tribunal in which justice can be done against the government. England, France, Holland, Prussia, Austria—every country in Europe—each in its own way, has made provision by which redress can be obtained against the sovereign power.

The establishment of a court with power to hear and determine these claims is, it is believed, a matter of the highest importance both to the government and the claimants. The machinery of the law is better adapted to investigate business affairs—to elicit truth and detect latent fraud—than any means that can be substituted in its stead. The purity of the bench is not to be questioned. Low, indeed, must be the morals of a nation that cannot trust judges of its own choosing.

The principal controversy seems to have heretofore been between the proposition to establish a central tribunal at the capital, on the one hand, and the proposition to distribute this jurisdiction among the various district and circuit courts on the other.

While the latter proposition has received more or less support, Congress has always inclined to the former. The only valid objection to the establishment of a central court, and the only reason urged for the diffusion of this power among local courts, is the alleged inconvenience and expense to claimants in attending the court at the capital.

If there ever were any sufficient reasons for intrusting powers so important to such local courts, the present condition of the country would effectually forbid the idea. In most of the southern States no such tribunals exist. The prejudice and animosity existing in those parts against the government will cause all prudent men to pause long before they will place the pecuniary interests of the government in the keeping of courts or juries located in those unhappy regions.

The local judges would, of necessity, be ignorant of the forms and customs of the various departments, and yet the proper determination of many cases depends upon an intimate knowledge of the workings of the government.

Access can be had to the public archives only at the capital, and yet scarcely any case of importance is decided without reference to some public document.

The minds of the judges and officers of a central tribunal being wholly engrossed with business of this nature, they would, of course, attain to a greater degree of proficiency than would be possible for local judges, whose attention could only be casually directed to such subjects. No reports could be had; no uniformity of action expected; no precedents or principles established among more than forty different local courts, scattered over so extensive a country, and acting independently of each other.

The appointment of masters in chancery will, it is believed, obviate the objections urged against the establishment of a central court, and this is provided for in the bill we report.

When the Court of Claims was established, it was expected that its decisions would be accepted as final in the great majority of cases, and Congress, it is believed, reserved the right to control its judgments only that it might retain the power to correct egregious error or reform obvious abuses. Experience, however, has shown that the pertinacity of claimants is not so easily overcome, and that Congress has been besieged to reverse every decision not agreeable to the claimant.

The records of the Court of Claims prove that the interests of the government may be safely confided to its care. A central tribunal created and sustained by the government is not apt to lean against its interests.

After mature deliberation, your committee has come to the conclusion that the best course that can be pursued is to reorganize the Court of Claims, and to place it on a basis on which it will be en-

abled to carry out the objects designed by its creation; and we have prepared, and here with report, a bill for that purpose, which has been very carefully considered and the main features of which are as follows:

The number of judges is increased to five. The present number (three) has been found to be too small. Sickness, unavoidable absence, &c., frequently interrupt the progress of the court. The responsibilities and duties of the court are greatly increased by this bill, and the nu ber of judges now on the bench would be too small to transact the business of the court in its proposed new stage of existence.

To the court is given jurisdiction of all claims for which the government would be liable in law or equity were it liable to be sued in courts of justice, except such claims as Congress may by joint resolutions especially declare shall be disposed of by act of Congress, or otherwise, and also of all suits against the United States for the title to real estate or for muniments of title to the same.

Its judgments are made final in all such cases, subject to the right of appeal by either party to the Supreme Court on all qu estions of law, where the amounts exceed three thousand dollars.

Jurisdiction is also given to the court of all set-offs, counter-claims, and claims for damages, whether liquidated or unliquidated on the part of the government against the claimant; and if upon the trial it is ascertained that the claimant is indebted to the government, judgment is to be rendered for the amount ascertained to be due. A transcript of such judgment, filed in any district or circuit court of the United States, is to become a judgment thereof, and enforced in like manner as other judgments.

This provision is founded upon the policy of avoiding multiplicity of suits, and furnishing an additional safeguard against fraudulent or exhorbitant demands against the government in cases where the claims are mutual.

Provision is also made that the Secretary of either of the departments, and also the Attorney General and Postmaster General, before whom any claim is properly pending, may, with the consent of the claimant, refer the claim to the adjudication of said court, to be passed upon as in other cases. This will, in some cases, be a great convenience to the government, and will, where a claim is seriously contested, give better satisfaction to the claimant than the present method.

All claims against the government are barred unless prosecuted in six years. We think this provision highly important to the government. A man who neglects his business for six years cannot complain of the government for refusing his suit; and there is no doubt that a statute of limitation is even more demanded in justice to the government than it is to private individuals.

To provide further against attempts to practice frauds upon the government in the proof, statement, establishment, or allowance of any claim, the bill contains a provision that a corrupt attempt to practice such frauds shall work a forfeiture of the particular claim.

The solicitors are required, in addition to their duties in the Court

of Claims, to attend to all cases taken by appeal therefrom to the Supreme Court; to report the decisions of the Court of Claims; and to attend, on the part of the United States, to such cases in the Supreme Court as the Attorney General shall designate. This will greatly increase their labors, and, at the same time, it will save the expense of a reporter for the Court of Claims, as well as large amounts now necessarily spent in the employment of special counsel in the Supreme Court.

Provision is made for the appointment of a bailiff, with a salary of a thousand dollars. This is necessary to the maintenance of order, and the proper dignity of the court.

MINORITY REPORT.

Mr. DIVEN, from the Committee on the Judiciary, made the following minority report:

In theory the government is supposed always to desire the good of the subject, and to be ready to render him justice. It is a solecism, therefore, to speak of compulsory means for what is presumed always to be done from choice. Courts of law and equity are established to compel the unwilling to render justice, and implies a means of ascertaining the right, and of enforcing it when ascertained. It is not properly a court of law that has only the right to investigate and ascertain the rights of parties, without the power to enforce its decrees. As it is often difficult to ascertain the justice of claims made by individuals against the government, there is great propriety in establishing tribunals for this purpose alone. These tribunals differ from courts of law in that they merely ascertain facts and arrive at conclusions without any authority to decree performance of what they decide is right; the State being always presumed ready and willing to do justice without compulsion.

In most if not all the States of this Union, and for a long time in the general government, legislative committees have been relied upon for inquiring into and ascertaining the rights of parties making claims against the government; but, in the case of the general government, these claims became so numerous as to render it altogether impossible for congressional committees to give to them that investigation demanded, consistent with the legislative duties of the members of committees, and hence the establishment of the Court of Claims. Since the establishment of this tribunal, the practice, as I understand it, has been, when a claim is made against the government, for the claimant to present his petition to Congress for Congress to refer it to the Committee of Claims; and if, in the judgment of the committee, it is a case requiring investigation by the Court of Claims, it recommends that it be so referred; otherwise, the committee reports either for or against its allowance. Claimants are also allowed to go before this tribunal by petition, without having first presented their claims to Congress; a privilege of, at least, doubtful propriety.

This tribunal or court, as it is inappropriately designated, is required to keep a record of its proceedings, and, at the commencement of each session of Congress, to report the cases upon which it has finally acted, stating in each the material facts which it finds established by the evidence, with its opinion in the case, and the reasons upon which such opinion is founded; and any member of the tribunal who may dissent from the opinion of the majority shall ap-

pend his reasons for such dissent to the report. Such report, together with the briefs of the solicitor and of the claimant, which shall accompany the report, upon being made to either house of Congress, shall be printed in the same manner as other public documents. The court is required to prepare bills in those cases which have received a favorable decision, in such form, if enacted, as will carry the same into effect. The testimony in each case is also to be transmitted. Thus it will be seen that this tribunal is admirably constituted to aid the government in determining the justice of claims made against the government.

There are, no doubt, many frivolous and fraudulent claims presented that are not sent through Congress, and there may be good cause for so amending the law as to prohibit any jurisdiction in such cases, with this exception, it is believed by the minority of the committee, that the law in regard to this tribunal can hardly be improved, and this improvement is not proposed by the bill reported by the majority.

The changes proposed by this bill are fundamental. It changes the whole character of the tribunal from one to ascertain for the government and report to it facts and conclusions relative to claims made against it, to, as far as possible, a new court of law and equity, with power to render judgment against the government that shall be final only as relates to questions of law, in which case an appeal is given to the Supreme Court of the United States. It provides that any demand the government may have against the claimant shall be set off and judgment rendered against him for any balance the set-off exceeds the amount of the claim allowed, and that execution be had against the claimant on such judgment; thus giving this court concurrent jurisdiction with the Supreme Court of the United States, though it does not provide for a trial by jury, forcing the party having a claim against the government, in pursuing his remedy for its liquidation, to have a government claim established against him, and judgment thereon, without the benefit of a trial by jury, although the Constitution provides that "in suits at common law, when the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved."

It gives concurrent jurisdiction with the Supreme Court of the United States in all cases relating to real estate claimed against the United States. It provides for two more judges, a chief justice, marshal, and all the incidents of a new Supreme Court of the United States. It provides for an appeal to the Supreme Court of the United States on questions of law, and for judgment of that court on such questions, with no provision, however, for enforcing such judgment of the Supreme Court. All that seems wanting in this bill, to degrade the government of the United States to a mere corporation, is to provide for issuing execution against its property. With all due respect to the majority of the committee, the minority submits that the Supreme Court of the United States has no jurisdiction of cases when it cannot enforce its decrees. This was one of the grounds upon which the court refused to entertain jurisdiction in the case of

Hunt *vs.* Palad, (4th Howard, 589,) and McNulty *vs.* Batty, (10th Howard, 72.)

Aside from these radical objections, the minority of the committee see many practical and prudential objections to the proposed bill. There is nothing satisfactory to show that the Court of Claims requires an increase in the number of its judges. The delay to claimants arises from the omission of Congress to act upon the reports of the Court of Claims, rather than any delay before that tribunal. This can be remedied by increasing the Committee of Claims, or creating a committee expressly upon these reports, or more effectually by a law providing for the payment of all claims where the opinion of the court was unanimous, and where the solicitor for the government shall advise payment. This is as safe to the government as the bill proposed, as it makes the decision of the Court of Claims final, unless there is an appeal; and, of course, no appeal would be brought, under its provisions, against the unanimous opinion of the court or the advice of the solicitor. By providing for the payment of all such claims, with some provision against the renewal of rejected claims, it is believed the committee and Congress would be enabled to dispose of the doubtful cases about which the Court of Claims were divided. This is certainly better than to encumber the Supreme Court, already overtaxed with duties, with business properly belonging to committees of Congress, and require it to examine questions and make decisions when it has no power to enforce its decrees.

It must be intended by this bill that the court shall be controlled by strict legal rules, as an appeal for error of law is given. It is well known that cases may often arise where it would not be just to confine either the government or the claimant to such rules. Take the case of a contractor who has undertaken the performance of a contract that he has found it impossible to perform; and yet, by part performance, the government has received great benefit. Strict rules of law may not allow him anything, though there may be manifest justice in an allowance. Take a case on the other side, where a contractor has overreached an inexperienced agent of the government, or has corrupted him, and secured a contract for making fifty millions of dollars' worth of arms, deliverable at a time when there is little probability of their being needed, and at prices that will put from five to ten millions of dollars in the pocket of the contractor. No fraud or collusion can be shown by legal evidence; strict rules of law will compel the government to take and pay for arms not wanted, or to pay the prospective profits to the contractor.

Many other cases might be supposed both for and against the government where justice might be outraged by legal exactions.

It may be said, why apply rules to transactions between individuals that you will not apply between the government and an individual? The answer is, that private transactions are based on legal rules, while those with the government are based on its good faith, and that good faith would, under no circumstances, require the government to take

from the many to enrich the few, or to impoverish the few to benefit the many.

The minority of the committee report the following resolution, and recommend its passage:

Resolved, That the bill ought not to pass.

A. S. DIVEN.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 35.

Z. B. CAVERLY.

[To accompany bill H. R. No. 284.]

FEBRUARY 19, 1862.—Ordered to be printed.

Mr. COX, from the Committee on Foreign Affairs, made the following

REPORT.

The Committee on Foreign Affairs, to whom was referred the case of Z. B. Caverly, for relief, report:

That the following facts appear to be authentic concerning the claim:

1st. That Mr. Caverly, while acting as secretary of legation at Lima, was required by the minister, Mr. Clay, his superior, to proceed to Washington, and lay before the Department of State the pending difficulties then (to wit, on the 27th of July, 1859) threatening to disturb the amicable relations of the two governments.

2d. That he went to Washington, attended to the business as bearer of despatches, and gave the condition of affairs to the department in such a way and with such authenticity and correctness as no one but himself or the minister could do it, and returned to Lima October 26, 1859, being gone three months.

3d. That the difficulties still remaining unsettled, he was again required, on account of his peculiar fitness, not only as a bearer of despatches, but because he was most cognizant of the affairs pending, to return to Washington in the same capacity. He left Lima again December 27, 1859, and remained at the instance of the department, and for their service and information, until April 1, 1861—459 days; and during this time, although temporarily absent at intervals by their permission, yet subject to and answering the call of the department until he was dismissed by the new appointment of a secretary of legation.

4th. That had he not been secretary of legation he would be legally entitled, without further action of Congress, to pay as bearer of despatches, at the rate of $6 per day and expenses, and his account would have been settled as he states it in his memorial.

5th. That it was not in his power, although secretary, to refuse to obey the request of the minister, who, for the best reasons, despatched him to Washington. He was of the more service, as such bearer of despatches, because he was thoroughly informed of the affairs out of which the difficulties grew; and in equity he would be entitled as

well to his salary as secretary as to his per diem and expenses as bearer of despatches.

6th. That he received his salary as secretary, because he needed the "ready money" to live upon during his stay at Washington and in the United States; but it also appears that he paid over all his salary to a substitute to Lima subsequently, relying upon the government to pay him as bearer of despatches only.

7th. That the goverment would have paid him in the latter capacity but for the technical rules of settlement, which, as the Secretary of State says in his letter of 31st July, 1860, in consequence of his drawing his salary as secretary of legation, which connexion he had no power to dissolve, except by resignation.

8th. The Secretary of State regrets this decision, inasmuch as Mr. Caverly was bound to obey the instructions of the minister, and because he is satisfied that the decision of Mr. Caverly, in obeying his superior, "was the result of very proper and honorable motives."

9th. That Mr. Clay (as appears by his despatch of Nov. 10, 1859) regarded Mr. Caverly's presence in Washington as indispensable; that he (Caverly) provided a substitute, to whom he paid an amount equal to the whole of his salary; that he was serving the country in two capacities in effect. and should be paid at least for one; and that the one he asks pay for is the one in which he performed the actual service, at the same time using his information, ability, and experience as secretary, for the benefit of the country here, where it was, in the opinion of the Secretary of State and Mr. Clay, indispensable.

The committee, on these facts, report a bill to pay Mr. Caverly his *per diem* and expenses as special messenger, after deducting his salary as secretary of legation, being the sum of $1,988.

MEMORIAL OF Z. B. CAVERLY, ASKING PAY AS SPECIAL COURIER FROM PERU TO WASHINGTON IN 1859.

FEBRUARY 17, 1862.—Referred to the Committee on Foreign Affairs.

To the honorable the Senate and House of Representatives in Congress assembled:

The memorial of the undersigned respectfully showeth:

During the early part of my service as secretary of legation under Hon. J. R. Clay, in Peru, various claims of citizens of the United States upon the Peruvian government had been presented to Mr. Clay, and were topics of much interest and difficulty in his negotiations.

In July, 1859, Mr. Clay despatched me to Washington as special courier, with instructions to give information to the Department of State upon any matters incidental to the controversy which the department might desire to know. I was absent from my post just three months, having reached Lima October 26.

As Mr. Clay could not obtain satisfactory results in his negotiations with the Peruvian authorities, and as the discussions grew more explicit and antagonistic, Mr. Clay again, in December of the same year, sent me to Washington with despatches to the Secretary of State. A peremptory demand upon the Peruvian government was then despatched to Mr. Clay by a war steamer, and I was detained, by order of the Secretary of State, in Washington, to await the issue of the orders to Mr. Clay.

For various causes Mr. Clay's departure from Peru was delayed, and he did not return home till December, 1860. It was proposed and expected that the President would make a special communication to Congress upon our failure to obtain redress for the losses of our citizens, but he did not, and April 1, 1861, Mr. Clay and myself were dismissed from office.

I now most respectfully claim to be allowed the compensation paid to special couriers, deducting therefrom the salary paid me as secretary of legation, according to the statement of the same herewith exhibited. During my absence I paid for the services of an acting secretary at the legation in Lima, and continued to receive my salary as a source of ready funds, as well as to prevent complication of accounts. My presence in Washington was required by the department that I might aid in the preparation of the case for the action of Congress, and might appear before any of its committees. The unfortunate pressure of public affairs prevented the contemplated discussion of the Peruvian question at the last session of the last Congress, but the order of the Department to remain in Washington was not revoked, nor was I relieved from attendance until April 1.

Z. B. CAVERLY.

Your memorialist, therefore, respectfully asks your consideration and allowance of his account herewith stated, and will always pray.

WASHINGTON, *January* 2, 1862.

Z. B. Caverly, in account with the United States.

For services as special messenger from United States legation, in Peru, from July 27, 1859, to October 26, 91 days, at $6 per day	$546 00	
Less three months' salary as secretary of legation	375 00	
		$196 00
For services as special messenger as before, from December 27, 1859, to April 1, 1861, 459 days, at $6 per day	2,754 00	
For expenses during the time, at $2 per day ..	818 00	
	3,672 00	
Less salary during same time	1,880 00	
		1,792 00
		1,988 00

Extract from despatch of Mr. Clay, to the Secretary of State, bearing date November 10, 1859.

"Upon his return to Lima Mr. Caverly informed me that, although the department approved of his journey to the United States, he was not paid his travelling expenses and the 'per diem' allowance usually made to bearers of despatches. As the decision of the department may have been influenced by what I stated in despatch No. 528, it is proper to say that Mr. Caverly returned to Washington upon what I regarded as important business connected with the legation. Before leaving his post, he provided a proper person to perform the duties of secretary of legation during his absence, to whom he paid the whole of his salary. He was, therefore, in effect, serving the country in two capacities, as secretary of legation and as special messenger, and should be paid expenses and 'per diem' for the extra service rendered by him."

This is to certify, upon honor, that when Mr. Z. B. Caverly, the secretary of the United States at Lima, Peru, reached this city, in January, 1860, with despatches from our minister, Mr. Clay, in reference to important negotiations then pending with the Peruvian government, I was present at an interview held by Mr. Caverly with General Cass, Secretary of State. After conversation relative to the business referred to in the despatches, Mr. Caverly asked General Cass whether, before returning, as he expected to do immediately he might make a flying visit to his family in Lowell. General Cass replied, "Certainly, sir; but I do not wish you to return to your post until we have reached some conclusion in regard to Mr. Clay's despatches and our interests in that quarter. Go home, and consider yourself under the orders of the department. Keep Dr. Mackey informed of your address, so that we can send for you at any time." Under that order Mr. Caverly went to Lowell, and actually made repeated visits to Washington, having conferences with the Secretary of State upon the pending business, until he was directed to return to his post.

JAMES S. MACKIE,
Diplomatic Bureau.

DEPARTMENT OF STATE,
Washington, February 17, 1862.

WASHINGTON, *May* 5, 1860.

SIR: On my arrival in this city, on the 8th ultimo, for instructions, I reported myself to you, and requested to know what disposition the department desired to make of me, and was directed to remain in this city until further orders.

As the department has adopted a line of policy in reference to our affairs in Peru, which may result in the suspension of diplomatic

intercourse at Lima, I have the honor to solicit such instructions regarding my movements as will enable me to govern myself in conformity with the views of the department, without being obliged to return to Washington to learn them. I shall await, at Lowell, Massachusetts, an answer to this communication, and the future orders of the department.

I have the honor to be your obedient servant,

Z. B. CAVERLY.

Hon. LEWIS CASS,
Secretary of State.

DEPARTMENT OF STATE,
Washington, May 10, 1860.

SIR: Your letter of the 5th instant has been received.

In consequence of the pending questions with Peru which might render your return unnecessary, at least for the present, you were, when you reached this city with despatches from Mr. Clay, in January last, granted a leave of absence from your post, with permission to travel in the United States. When you reported on the 8th ultimo, the policy to be pursued with Peru had not been definitely determined on, and you were permitted, therefore, still to continue on leave. Instructions have now been given to Mr. Clay of such a character as to render it unnecessary for you to return to your post until Mr. Clay is again heard from. You will, therefore, regard yourself as still on leave of absence, and will keep the department informed of your address.

I am, sir, your obedient servant,

LEW. CASS.

Z. B. CAVERLY, Esq.,
Secretary of Legation of U. S. in Peru, Lowell, Mass.

DEPARTMENT OF STATE,
Washington, July 31, 1860.

SIR: I have received and examined the statements of your letter of the 26th instant, and the enclosed account.

I regret that my interpretation of the law renders it impossible to pass them. I recognize fully your obligation to obey the instructions of the minister to whose mission you were attached as secretary, and would have no difficulty in allowing your per diem as bearer of despatches, if your salary as secretary of legation had stopped during the discharge of that service. But it continued; and that you should have deemed it either proper or necessary to pay it over to a substitute performing your duties during an absence legally imposed on you by your superior, and which could not possibly dissolve your connexion with the mission, is a fact which this department cannot

allow to influence its decision. I regret this the more, as, whatever I may think of the correctness of your opinion, I am satisfied that your decision in the matter was the result of very proper and honorable motives.

I am, sir, your obedient servant,

WM. HENRY TRESCOT,
Acting Secretary.

Z. B. CAVERLY, Esq.,
Lowell, Massachusetts.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 36.

BRANCH MINT AT DENVER, COLORADO TERRITORY.

[To accompany bill H. R. No. 287.]

FEBRUARY 20, 1862.—Ordered to be printed.

Mr. MAYNARD, from the Committee of Ways and Means, made the following

REPORT.

The Committee of Ways and Means, to whom was referred the memorial of citizens of the Territory of Colorado for the establishment of a branch mint at Denver City, in said Territory, beg leave to report:

In crossing the North American continent on a line between the thirty-seventh and forty-first parallels are found four points nearly equi-distant, New York, St. Louis, Denver, and San Francisco, on the Atlantic and Pacific coasts, in the centre of the great Mississippi basin, and at the foot of the Cordillera or Rocky mountain chain. Three of these points are already large centres of population and trade, and are prominent in the eye both of the merchant and geographer. Their facilities for communicating by water with the rest of the world secures to them undisputed pre-eminence. The fourth, Denver, of recent growth, has hardly attracted the attention of any except the few adventurous persons who have wandered there while seeking their fortunes beyond the frontiers of civilization, and yet it is not unlikely to rival, if not surpass, either of the other three.

The reasons for this conjecture lie in its remoteness from either ocean and from the rivers that drain the several basins which compose the continent, and in its situation relative to a vast central region, now almost the only uninhabited portion of the globe within the limits of the broad northern belt within which is to be found nearly all of what we regard as civilization. Towards this region the westward current of population is fast setting, and in a few generations it will be occupied by a permanent homogeneous and self-dependent race of people. The migratory habits which have characterized all other people on the continent will not attach to them, for the simple reason that they will have no place to go. Such a people must needs have a great metropolis the seat of their government, and the centre of commerce, manufactures, literature, and art, as well. This will be Denver, known possibly by some different name, and located, it may be, on a site a few miles this side or the other of the present

town. But in that immediate neighborhood will our great-grandchildren, as they journey to the Pacific, find focalized a multitudinous people. Connected more nearly with the western ocean than with the eastern, more Asiatic than European in their tastes, they will cultivate the elegant arts that revel in the imaginative forms of the precious metals, rather than the useful arts that wrestle with the elasticity or the unyielding rigor of the baser metals. Theirs will be a golden rather than an iron civilization. And yet their people, unlike, in many respects, the dwellers on the Atlantic slope and in the Mississippi valley, will form a part of one and the same great nation with us. We have too recent and flagrant proof of the danger of allowing local peculiarities, by engendering imagined antagonisms of interest to ripen into sectional feuds. And least of all could we afford to see established a middle kingdom, sundering, by an impassable barrier, the eastern from the western coast. In our legislation, therefore, we should make haste to consult their local interests, and to educate them to the conviction that no distance, however great, removes the American citizen from the eye of the government and the protection of the Constitution.

By a recent act of Congress we have organized this vast central region under a territorial government, whose capital is Denver.* Already has it a population variously estimated at from 25,000 to 30,000. The great attraction thither is known to be the immense mineral wealth of that wonderous region, especially the gold. The abundance there of this the most valuable of the precious metals may be inferred from some passages of Governor Gilpin's late work upon that country. Speaking of the great mountain range that pervades it, he says: "This supreme cordillera may be defined as the backbone of the world. It is the *divostia aquarum* of the American continent. From the snows of its immense crest and flanks descend the rivers that irrigate either face of the continent out to all the oceans. From it, also, branch off all the other mountain chains. Where the irrigation from the snows is sufficient, immense forests exist; elsewhere the mountains are naked. The core or bases of the Sierra Madré is red porphyritic granite, from the immense naked masses of which comes the popular sobriquet of "Rocky Mountains." *This is the gold-producing quartz.*†

The great extent as well as the permanent value of this auriferous formation is indicated more fully and clearly in another extract borrowed from this intelligent and eloquent writer.

"Although immense sandstone and calcareous formations are frequent, and elsewhere igneous rocks have overflowed thousands of square miles, these overlaying a uniform pediment of porphyritic granite, as uniformly yielding gold. The primeval gold-bearing formation, therefore. very equally divides the area of the continent half and half with the calcareous formation, which latter abounds with the base metals. Thus, within the present territories of the

* Act of February 28, 1861. † The Central Gold Region, by William Gilpin, p. 48.

American people the precious stones and precious metals, platinum, gold, silver, quicksilver, exist in the as yet partially developed half with the same abundance and universality of distribution as do the base metals, mineral fuel, and calcareous rocks within the States."*

The appearance of the country, as early as the year 1849, attracted the attention of a party of miners from Georgia, who passed through it among the earlier emigrants to California, as likely to be productive of gold. But it was not until August, 1858, that gold was actually discovered there. This was in the neighborhood of Pike's Peak. The excitement which followed the discovery will be long remembered as a part of the history of the times. Very little progress in mining, however, was made before April or May of the following year. By a statement of the director of the mint, appended to this report, it appears that the amount of gold received at the mint and branches from the region of country now embraced in the Territory of Colorado, since the mines have been worked, has been as follows:

During fiscal year ending June 30, 1859	$4,171 70
During fiscal year ending June 30, 1860	622,264 30
During fiscal year ending June 30, 1861	2,091,197 17
Since which time about	1,160,000 00
Making a total of	3,877,633 17

or nearly four millions in less than three years from the opening of the mines. The chief occupation of the present inhabitants is, of course, the production of gold, and employments incidental to it. By a petition presented to the House the present session, it appears that more than one hundred and fifty mills for crushing the metalliferous quartz and extracting the product are now actively in operation. While some rich *placers* are discovered where the gold appears in lumps or *nuggets*, the principal yield of the mines is in minute particles or dust. As might be expected, the gold dust forms a great portion of the wealth to be found among the people, everybody having more or less of it. Having the character of money as well as of property, it is to a considerable extent carried about the person, either in small pouches or loose in the pocket, and in the small current transactions of business is weighed out in small scales carried for the purpose. That this sort of careless traffic in an article so valuable, and at the same time so easily scattered, should be attended with immense waste and cause great individual loss, is attested alike by reason and experience. This has led to the establishment at Denver of a private manufactory for coining. The pieces resemble in their general appearance the government coinage, and profess to be of the value, respectively, of the double eagle, eagle, half eagle, and quarter eagle. The charge is five per cent., and the production is already very considerable.

* Central Gold Region, p. 85.

The impropriety of such establishments would be very obvious, even without the aids of experience derived from their operations in other parts of the country. It is nothing more nor less than counterfeiting the legal coin; and although not done with a criminal intent, lends increased facilities for fraud and villainy; besides inflicting upon the country the evils of a metallic currency, with no means of correctly ascertaining its value.

This condition of things has not escaped the attention of the Secretary of the Treasury. In his late annual report he says: "The large and rapidly increasing production of gold in the Territory of Colorado suggests inquiry into the expediency of establishing an assay office or branch mint at Denver. A private mint for the convenience of the people is now in operation at that place, and obvious considerations seem to require the substitution of national for private agencies for coinage."

The great importance, not to say absolute justice, of providing this adventurous frontier population with the means for converting the proceeds of their mining labors into money, on reasonable terms, without the expense of transportation either to the mint at Philadelphia, or the branch mint at San Francisco, and the great waste unavoidably attending the uncoined metal is too obvious for argument.

The propriety of fostering this species of industry induced the government, as early as 1835, to establish branch mints at Charlotte and Dahlonega, for the benefit of the miners in the then recently developed mines of North Carolina and Georgia. And though these gold deposits have been, to a great extent, lost sight of since the discoveries on the Pacific coast, the average annual coinage at each of these branch mints, for the last twelve years, has fallen little short of a quarter of a million of dollars; a sum not large in comparison with the annual yield of the Colorado mines, yet large enough, in the opinion of the government, to justify it in keeping the branches in full operation until they were seized on the breaking out of the present rebellion. A similar policy established a branch mint at San Francisco in 1852.

Another consideration not to be passed over occurs in connexion with our Indian affairs. It has become the settled policy of the government, in its treatment of the western tribes, to pay them annually large sums of money, and always in coin. The amount paid during the last year, as appears by a statement from the Commissioner of Indian Affairs, to the several tribes in New Mexico, Utah, Colorado, Nebraska, Dakota, and Kansas, was $816,046 33. The expense and trouble of remitting this amount of specie from the Atlantic cities, or even from St. Louis, must be considerable, and would be saved by coining the money in the region where it is required to be used.

For these reasons the committee recommend the establishment of a branch mint at Denver, and report a bill for that purpose.

MINT OF THE UNITED STATES,
Philadelphia, January 21, 1862.

DEAR SIR: I have received your letter of the 17th instant, in relation to the bill before your committee for the establishment of a branch of the mint of the United States at Denver City, in the Territory of Colorado, and respond to your inquiries in the order presented in your communication.

1. The *average* annual coinage of the branch mint at Dahlonega, Georgia, from 1848 to 1860, inclusive, was $218,688 88, and at Charlotte, during the same period, $255,538.

2. The amount of gold received at the mint and branches from the region of country now embraced in the Territory of Colorado since 1859, the year in which deposits of bullion from that section were first made, has been as follows:

During fiscal year ending June 30, 1859	$4,171 70
During fiscal year ending June 30, 1860	622,264 30
During fiscal year ending June 30, 1861	2,091,197 17
Since June 30, 1861, about	1,160,000 00
Total	3,877,633 17

3. The cost of *coinage* in Colorado would not, it is believed, be greater than at Philadelphia, and less perhaps than at San Francisco. But the cost of *separating* or *parting* the silver from the gold, prior to coinage, would exceed the expense attending the same operation here, for the reason that the chemical articles (nitric acid being the principal one) required for that purpose would have to be transported thither at a considerable expense. It has been the uniform practice, however, at our minting establishments, to impose a "*parting*" charge on the bullion equal to the expense attending the operation, and this should be done at the proposed branch mint. I may add, for your information, that the charge for "parting," at the principal mint and the assay office, New York, is five (5) cents per ounce gross, and at the branch mint, San Francisco, fourteen (14) cents.

4. A private minting establishment for converting the natural alloy of gold and silver into coins has been in operation at Denver City for a year or two past. One of the firm of Messrs. Clarke, Gruber & Co., by whom it is conducted, informed me a short time since that their coinage amounted to about $60,000 per annum.

I had the honor, on the 7th instant, to address a communication to the Secretary of the Treasury in relation to the bill in question, in which I presented my views as to the propriety of establishing the proposed branch mint, and suggested a few alterations in the bill. The Secretary will no doubt, on your application, furnish a copy of the same.

Very respectfully, your obedient servant,

JAMES POLLOCK,
Director of the Mint.

Hon. THADDEUS STEVENS,
Chairman of Committee of Ways and Means, Washington City.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, December 19, 1861.

SIR: I have the honor to acknowledge the receipt of your letter of 14th December, instant, and, in reply, I have to state that the following is a "summary statement of the moneys paid by the government, through the Indian bureau, in the Territories of New Mexico, Utah, Colorado, Nebraska and Dakota, and in the State of Kansas, including the amount of Indian annuities (in money) and salaries of the different superintendents and Indian agents," based on the disbursements for the calendar year of 1860, viz:

New Mexico	$59,560 68
Utah	52,440 48
Colorado	10,529 98
Nebraska	100,947 51
Dakota	124,589 44
Kansas	467,978 24
Total	816,046 33

Yours, respectfully,

WM. P. DOLE, *Commissioner.*

Hon. H. P. BENNET,
House of Representatives.

TREASURY DEPARTMENT, *February* 5, 1862.

SIR: I return the bill for the establishment of a branch mint of the United States at the city of Denver with some modifications, which will appear upon comparison of a bill which I send to you with that which I return.

The most important change is that in the 8th section, which authorizes payment for gold dust and bullion on terms to be prescribed by the Secretary. This is, probably, less subject to doubtful interpretation than the corresponding provision of the bill returned, while the object of both is doubtless the same.

In the bill sent all the provisions of the bill returned in relation to mere *forms* of payment are stricken out as unnecessary. Payments will, of course, be made in coin, United States notes, or other media authorized at the time.

The provision relating to salaries is also somewhat modified, as the salaries in the bill returned seem to me too high.

With the modifications suggested, I recommend the passage of the bill as one of great general utility and special convenience to the people of the Territory of Colorado.

With great respect,

S. P. CHASE,
Secretary of the Treasury.

HON. HORACE MAYNARD,
Chairman, &c.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 37.

SHIP CANAL TO CONNECT MISSISSIPPI RIVER AND LAKE MICHIGAN.

[To accompany bill H. R. No. 288.]

FEBRUARY 20, 1862.—Ordered to be printed.

Mr. F. P. BLAIR, jr., from the Committee on Military Affairs, made the following

REPORT.

The Committee on Military Affairs, to whom was referred the resolution of the House directing said committee to inquire into the expediency of constructing a ship canal between the waters of Lake Michigan and the Mississippi river for the purpose of facilitating the operations of the war, have had the same under consideration, and have instructed me to report the following bill authorizing the construction of said ship canal upon the site of the present Michigan and Illinois canal, and to recommend its passage.

Your committee beg leave to accompany their recommendation with some of the considerations which give a permanent and national importance to this work and demand its execution by the nation.

The importance of connecting the great northwestern lakes with the navigable waters of the Mississippi by a channel which shall permit steamboats and war vessels to pass from one to the other will be apparent on a moment's examination.

The commerce of these lakes has been estimated at the value of four hundred millions of dollars in articles of prime necessity to the inhabitants of the eastern States and to our foreign commerce—such as wheat, flour, corn, beef, pork, lumber, and metals. It is carried on by means of steam vessels, propellers, and sail vessels, unsurpassed for strength, solidity, and speed by any which navigate the ocean, and navigated by officers, engineers, and sailors of experience and skill.

The shores of these lakes are covered with timber suitable for ship-building, and in nearly all the ports are builders and ship-carpenters, and in many engine and machine shops capable of furnishing large-sized engines of all kinds required for the propulsion of vessels. To these sources we have mainly to look in case of a war for the means of providing those naval forces required for the protection of our commerce and the shores of these inland waters.

Recent events in our relations with England impress upon us the importance of providing for such a contingency as the interruption of friendly relations with that power, but this we are prevented from doing by an agreement between our government and that of Great Britain, made in 1817, by which both are bound not to build or put afloat any armed vessels on the northern lakes, excepting two or three of small size, which agreement, however, may be abrogated by either party on giving six months' notice of its intention so to do.

Subsequently to the date of this agreement the St. Lawrence and the Welland canals were constructed with locks, and a depth of water sufficient to admit vessels of near two hundred feet in length and forty feet beam and nine feet draught of water to pass through, costing ——. So that Great Britain has the power in a very short time to cover those lakes with war steamers built on the river St. Lawrence or in the ship-yards at home. To give notice of an intention to abrogate the agreement might at this present moment be unwise, and we are thus led to inquire whether any means may be found by which we can escape the disadvantages under which from changed circumstances that agreement places us. Manifestly by the opening of a channel from the lakes to navigable rivers flowing into the tide-water is the only way to regain equality with Great Britain.

Fortunately we have a channel already partially completed, by which, with improvement, armed vessels may be passed from the lakes to the ocean, and the reverse. This channel is the Illinois and Michigan canal, extending from Chicago to La Salle, on the Illinois river, ninety-six miles, and the bed of the river itself from that point to its mouth, where it flows into the Mississippi, 220 miles.

The value of the commerce on the Mississippi river and its tributaries is little less than that of the lakes. It extends over a distance of ten thousand miles of navigable waters, whose banks are covered at many points with valuable timber, rich in mines, studded with cities equal in building and manufacturing capacity to those on the lakes, and capable of constructing, as recent events have fully demonstrated, vessels of war of the most formidable character.

By the enlargement of this canal and the improvement of the navigation of the river, all the naval resources of the lakes can be transported to the Gulf of Mexico and to the ocean; and on the other hand, our naval forces on the ocean and on these rivers can be transported to the lakes, so as to quickly sweep all hostile fleets from their surface, and return again to tide-water. The importance of this channel in a purely naval point of view is so great that its expense would be more than saved, in one year of war with England, in the cost of vessels, while its value in protecting property, cities, and vessels, and in enabling us to uphold the honor of our flag, would be inestimable.

Again: the expense of transportation by water is so much less than that by railroad that, if extensive military operations are to be carried on, the saving to the government in this item would soon equal the entire cost of the work.

The government pays the railroads two cents per mile for the passage of each soldier, near six dollars from Chicago to St. Louis; one

dollar would be a liberal compensation for the same passage by steamboat, making a difference of half a million of dollars in the carrying of 50,000 troops both ways between St. Louis and Chicago. As the number sent from the region of the lakes to the different points on the Mississippi river is several times greater than 50,000, and as the difference on government freight is also great, it is easy to compute the advantages of such a channel in this respect.

Commercially, the value of a work enabling steamboats from St. Paul, Omaha, New Orleans, and Pittsburg, and all the points on the Mississippi and its tributaries, to discharge their cargoes into the vessels navigating the lakes, and the latter in case of need to enter the Mississippi without breaking bulk, by which cotton and sugar from the south could find its way to New York and New England by internal routes of navigation so cheap as to compete with, and be, in case of need, a substitute for that by the ocean, can hardly be overestimated; all the cities from St. Louis to New York, all the lines of transportation from the east to the west, would feel its influence. It would, in effect, open a new outlet to the Mississippi river, by which the products of the soil as low down as Memphis would find an outlet, and through which merchandise, the grain and provisions, the lumber and minerals of the northwesern States would be carried down below that point. It would thus join in one the two great systems of inland commerce of the continent, and increase the value of taxable property over an extended section of country.

Politically, its tendency to bind together the States of the northwest and southwest, and both these to the east, is manifest.

Political opinions and attachments must necessarily be changed and impaired where they are opposed, and strengthened and confirmed where they are favored by permanent material interests. This proposed work is of a magnitude so vast as to rival, when accomplished, the Mississippi itself in importance, and surpass in value any artificial channel which has ever been opened in any country, if we except the Erie canal, which alone can be compared with it.

It will cause the waters of the lakes which now have an outlet by the river St. Lawrence to flow, in part, to the Gulf of Mexico, mingled with those of the Mississippi, and bind in ties of interest and intercourse the cities of St. Louis and Memphis with Buffalo and Chicago.

It will link New York with Tennessee in strong and perpetual bonds. A work of such magnitude, so national in its character and uses, seems justly to demand the aid of the national government in its performance. Nothing short of such aid can, for a long time at least, carry it forward to completion; unless, indeed, it were to be done by a corporation which would undertake it as a commercial enterprise, and use it, when finished, with a sole view to its own profit, which would impair, in a measure, the public objects of the undertaking. To perform it now would only be to resume a determination long since formed, and more than half accomplished by this government.

In the year 1822 an act was passed to authorize the State of Illi-

nois to open a canal through the public lands "to connect the Illinois river with Lake Michigan," and approved 30th March, granting to the State of Illinois the right of way through the public lands of the United States, for a "canal connecting the Illinois river with the southern bend of Lake Michigan, and ninety feet on each side of said canal."

On the 2d March, 1827, an act was approved by the President of the United States, entitled "An Act to grant a quantity of land to the State of Illinois for the purposes of aiding in opening a canal to connect the waters of the Illinois river with those of Lake Michigan," granting to the State of Illinois "a quantity of land equal to one-half of five sections in width on each side of said canal, and reserving each alternate section to the United States, to be selected by the Commissioner of the Land Office, under the direction of the President of the United States, from one end of the said canal to the other; provided, that the said canal, when completed, shall be and forever remain a public highway for the use of the government of the United States, free from any toll or other charges whatever, for any property of the United States or persons in their service passing through the same; and the said canal shall be commenced within five years and completed in twenty years."

March 2, 1833, an act was approved by the President, extending the time of commencing and completing said canal five years.

On the 29th of March, 1842, an act was approved by the President granting 5,760 acres of land, in lieu of certain lands within the boundaries of the lands before granted, that had been sold and patented to individuals by the United States before the location of the State had been approved.

Another act was subsequently passed by the Congress of the United States making a further donation of land for the same purpose.

In pursuance of the above-named laws of the United States, the State of Illinois authorized the construction of the Illinois and Michigan canal, running from the Illinois river, at La Salle, to Chicago, a distance of ninety-six miles.

The plan adopted was for a canal thirty-six feet wide on bottom, sixty feet wide at top water line, and six feet depth of water, the summit line to be supplied with water from Lake Michigan, the locks to be 110 feet long and eighteen feet wide. A large amount of work was done upon this "*deep-cut*" plan; the work was commenced in 1836, and was suspended on account of the financial embarrassments of the State in 1841. In 1843 the State made arrangements to have the work resumed, and authorized the plan to be changed, though not changing the size of the canal or its capacity, by raising the summit level about nine feet, supplying water for this level from the Calumet and Des Plaines rivers, which are sufficient except in very dry seasons, the deficiency being supplied by steam power, propelling lifting pumps and wheels, which have easily furnished an abundant supply for the purposes of navigation during the past thirteen years.

The canal was completed on this plan, and put in operation in 1848, and has been in successful operation since. Its usefulness has, how-

ever, been diminished, and its business limited by impediments in the channel of the Illinois river. This stream, at favorable stages of water, is navigable for the largest class of river steamers, but in dry, and at certain times in most seasons it is obstructed by sand bars, so as to render navigation difficult and expensive. It has, however, an average width of from 600 to 900 feet, and a fall in 220 miles of only 28 feet. Its banks are so elevated as to allow of the improvement of the river by locks and dams, to render it navigable for vessels drawing 6 feet water without overflowing them. Its improvement is an essential part of the plan contemplated, as the capacity of the canal for carrying freight is already, for portions of each year, greater than that of the river.

The dimensions to be given to the enlargement proposed, and the plan to be adopted in the improvement of the river, are the first objects of consideration. These should be determined by the requirements of its uses for passing armed vessels, of commerce, and by the relative cost of each. But, in the first place, it may be observed that nothing is to be gained by a greater depth of water than that of the Mississippi river from the mouth of the Illinois to St. Louis, which may be stated at low stages as 6 feet, a depth sufficient to allow the passage of gunboats light, which, with their armament and stores, draw from nine to ten feet water. It will then be readily conceded that, 1st, the length and size of the locks should be sufficient to allow the passage of boats of a large size, say 70 feet wide and 350 feet long. 2d. Although most of the boats used would probably not have more than 40 feet beam, it would be necessary to make the canal sufficiently wide to allow the largest size to pass each other, or else to provide turnouts at short intervals. 3d. It is deemed advisable to abandon the line of the present canal, and to substitute slack-water navigation, by locks and dams on the river running nearly parallel to it for a part of the distance from La Salle to Chicago, viz: from La Salle to near Joliet, a distance of about 60 miles, leaving but about 36 miles of artificial channel. This will all be made in rock or earth excavation, except a short distance from Lake Joliet to Lockport, thus rendering the liability to accident very slight, and greatly diminishing the cost of repairs.

In order to enable Congress to form an estimate of the comparative cost of this improvement, on either of the plans which might be adopted, we have prepared careful estimates of the expense of each.

These estimates have been made from data furnished by the secretary of the canal board, William Gooding, esquire, chief engineer of the work at the time of its construction, and from a survey of the Illinois river by John B. Preston, esquire, at present engineer and general superindendent of the canal, which survey was made with respect to the present improvement. The character of these gentlemen, the accuracy and minuteness of the information proposed by them, render their estimates perfectly reliable, and we have the strongest assurances that the work can be done for the prices estimated, and if there is any variation, it will be below rather than above their figures. While we refrain from expressing an opinion

on the relative merits of the merits of those works as adapted to supply the immediate military wants of the country and of commerce, it is evident that the largest and deepest channel, fed from the lake, from its greater certainty and superior capacity, is undoubtedly the one which should be ultimately had in view.

The experience of the Erie canal shows that the enlargement of capacity, while it lessens the cost of transportation, increases the revenue, even with the tolls greatly reduced, by attracting a large amount of freight. But in order to avoid all risk of making the work a tax upon the treasury in the present condition of the country, it may be advisable, at first, to adopt the higher level, supplied with water at the dryest times by steam pumps, which experience has shown to be sufficient, and which, if triplicated, would be a safe reliance in case of deficiency of water from other sources.

Estimate for a ship and steamboat canal from Lake Michigan to the Illinois river, and the improvement of the Illinois river to the Mississippi river; the canal to be 160 feet wide on the bottom, sides protected with stone walls 10 feet high; the canal and river locks to be 350 feet long and 70 feet wide, with depth of water sufficient to pass steamboats and vessels drawing six feet of water; the canal to be supplied with water from Lake Michigan.

Chicago to Lockport, 29 miles:

The estimated cost of earth and rock excavation on the summit level from Chicago to Lockport, with walls on both sides 10 feet through the earth, is	$7,092,700
Lockport to Lasalle, 67 miles:	
The estimated cost of canal to Lake Joliet, and short canals at 16 locks, walled on both sides; also six stone dams, 600 feet long, eleven canal and five river locks, each 350 feet long and 70 feet wide—making 138 feet of lockage between Lockport and Lasalle—is	4,031,092
Lasalle to the Mississippi river, 220 miles:	
The cost of seven tree and crib dams, 900 feet long, the cribs to be filled with stone, and stone abutments; also seven stone locks, 350 feet long and 70 feet wide, with entrances protected, and insuring a depth of water on all bars, to pass the largest class steamboats and vessels drawing six feet, will be	1,645,000
Add for bridges, right of way, engineering, contingencies, &c	578,032
	13,346,824

Estimate for a ship and steamboat canal from Chicago to Lockport, 100 feet wide on bottom, with recesses on each mile 160 feet wide, and sufficient to pass the largest class of Mississippi steamers.

Also, for a canal 160 feet wide from Lockport to Lake Joliet, and

the improvement of the Illinois river to the Mississippi river. Canal and river locks to be 350 feet long and 70 feet wide, with depth of water at all times to pass boats drawing 6 feet. The canal to be supplied with water from Lake Michigan.

Chicago to Lockport, 29 miles:

The cost of excavation of earth and rock on the summit level from Chicago to Lockport, including recesses and walls on each side, 10 feet high, will be.....	$5,245,876

Lockport to Lasalle, 67 miles:

The cost of the canal to Lake Joliet, and short canals at 16 locks; for 6 stone dams, 600 feet long; 11 canal and 5 river locks, each 350 feet long and 70 feet wide—in all, 138 feet of lockage between Lockport and Lasalle, including cost of walls on both sides of the canals—is estimated to be.....	4,031,092

Lasalle to Mississippi river, 220 miles:

The estimated cost of 7 tree and crib dams, 900 feet long, cribs to be filled with stone and stone abutments; also for 7 stone locks, each 350 feet long and 70 feet wide, with entrances properly protected, insuring a depth of water on all bars to pass the largest class steamboats and vessels drawing six feet, is.....	1,645,000
Add for bridges, right of way, engineering, &c.....	578,000
	11,500,000

Estimate for a ship and steamboat canal from Lake Michigan to the Illinois river, 160 feet wide; also for the improvement of the Illinois river to the Mississippi river. The canal and river locks to be 350 feet long and 70 feet wide, with depth of water at all times to pass steamboats and vessels from the lake to the Mississippi river, drawing 6 feet. The canal to be supplied with water from the Calumet Des Plaines and Du Page rivers; any deficiency to be supplied by pumping engines and wheels from Lake Michigan.

Chicago to Lockport, 29 miles:

The estimated cost for excavation of earth and rock to enlarge the present canal to 160 feet wide on bottom; removing spoil banks; building walls on both sides for two summit locks, and enlarging the present hydraulic works for supplying all deficiencies of water on the summit level, is.....	$3,137,320 00

Lockport to Lasalle, 67 miles:

The estimated cost of canal to Lake Joliet and short canals at 16 locks, walled on both sides; of 6 stone

dams, 600 feet long; 11 crib and 5 river locks, each 350 long and 70 feet wide; in all 138 feet lockage between Lockport and Lasalle, is	$4,031,092 00
Lasalle to the Mississippi river, 220 miles:	
The estimated cost of 7 tree and crib dams, 900 feet long, with stone abutments, the cribs to be filled with stone; for 7 stone locks, each 350 feet long and 70 feet wide, insuring a depth of water on all bars to pass the largest steamers and vessels from the lakes to the Mississippi, drawing 6 feet water, is	1,645,000 00
Add for engineering, bridges, right of way, &c	478,032 00
Total	9,292,444 00

Statement of comparative cost of summit level from Chicago to Lockport on the three plans proposed, the cost of canal and river improvement from Lockport to the Mississippi river being the same on each.

First plan for a canal 160 feet wide, supplied with water from Lake Michigan	$7,092,700
Second plan for a canal 100 feet wide, with recesses giving 160 feet width, supplied with water from Lake Michigan	5,245,876
Third plan for a canal on present level, by enlarging present canal to 160 feet	3,137,320
Entire cost of first plan for estimates	13,346,824
Entire cost of second plan for estimates	11,500,000
Entire cost of third plan for estimates	9,292,444

Whichever of these plans the government may think proper to adopt may, we believe, be carried into effect without material charge upon the treasury, for the revenue derived from tolls will, when the work shall be completed, be sufficient not only to keep it in repair and pay the interest on its cost, but also to provide a sinking fund for the gradual liquidation of the principal. It is difficult to base reliable estimates of the revenue to be derived from such a work on those of the present canal, because the Illinois river, during a great part of the season, is at so low a stage of water as in effect almost to close navigation below Lasalle. To show how far these causes operates it may be stated that the tolls received at Lasalle in the months of March and April, 1860, when the water in the river was from three and a half to six and a half feet in depth, was $13,384, while in October and November of the same year, more favorable for business, when the water was from eighteen to twenty-nine inches in depth, there were but $2,570 received from the same sources.

Another fact bearing on the same point is the amount of corn received from points on the canal and on the river. In 1861, 11,483,000

bushels of corn were transported on the canal. Of this full 9,000,000 bushels came from points on its banks, while less than 2,500,000 bushels came from the whole length of the river, a region more than twice as extensive, and much more favorable to the growth of corn.

It is therefore evident that if the work is to be done with a view to economy and income, the improvement of the river is the part which should be finished first. The cost of this, according to the estimate herein submitted, will be $1,645,000, the interest on which, at six per cent., is $98,700.

The revenue of the present canal for the year 1861 was $218,000, and the expenses of ordinary repairs and collections of toll about $45,000.

To construct this part of the work economically and substantially would require two years. From the time of the completion of the river improvement, it is believed that the business of the canal will be doubled, while that on the river will be as great, in proportion to its length, as that on the canal, and the completion of the entire work, and its being opened for steamboats, a still further increase may safely be calculated upon. In order, however, to insure this increase it is probable that a reduction of the present rate of tolls would be required, corresponding in a degree to the reduction in the cost of transportation to be effected by the increased capacity of the work; but after allowing for this, the work will not only be remunerative, but will produce a surplus of revenue after paying the interest on its cost, ordinary repairs. and attendance, to be applied to the gradual reimbursement of the principal. The following statement, showing the estimated revenues as compared with the expenditures during five years allowed for its completion, is believed to be far within what may be expected if the commerce of the country should be in a prosperous condition during that time.

Statement of the estimated receipts and expenditures for interest on amounts expended for ordinary repairs, and the collection of tolls, on the canal during five years of its construction.

	Payments.	Receipts.
First year.		
Estimated amount of tolls same as 1861	.....	$218,000
Interest on $1,000,000 expended, 1 year, at 6 per cent	$60,000	
Collection of tolls and ordinary repairs	45,000	
Second year.		
Estimated amount of tolls	.....	230,000
Interest on $2,000,000, 1 year, at 6 per cent	120,000	
Estimated cost of ordinary repairs and collection of tolls	45,000	
Third year.		
Estimated amount of tolls on canal, and river improvement being completed	.....	460,000
Interest on $4,000,000, 1 year, at 6 per cent	240,000	
Estimated cost of ordinary repairs and collection of tolls double last year	90,000	
Fourth year.		
Estimated amount of tolls	.....	470,000
Interest on $7,000,000, 1 year, at 6 per cent	420,000	
Estimated cost of repairs and collection of tolls	100,000	
Fifth year.		
Estimated amount of tolls	.....	480,000
Interest on $9,400,000, 1 year, at 6 per cent	564,000	
Cost of repairs and collection of tolls	125,000	
Total	1,809,000	1,858,000
		1,809,000
Surplus	.....	49,000

Up to this time, the completion of the work, the boats will be moved as at present by horse-power. After the completion steam will be substituted for horse-power, and boats of 800 tons for those of 150 tons at present in use.

If we estimate the revenues hereafter at only one-third the amount of those on the Erie canal, only 34 miles longer, we shall have over $1,200,000 yearly. Whatever the amount may be, there can be no doubt that it will for many years increase in a ratio corresponding to the increase of population, productiveness and commerce in the western States.

We have supposed that five years would be taken to complete the work. The shortest time in which it could be done, if commenced at its different divisions, without extra cost, is three years; and if it

should be desirable, from any cause, to finish it in this time, the current two years of revenues which we have estimated for would have to be provided from other sources.

It may be proper here to say that the estimates herewith submitted are based upon plans of so conducting the work as not to interrupt the navigation of the canal or river. That this is practicable will be apparent when it is known that the earth excavated will be done by steam dredges during the season of navigation, the rock excavation in the winter, the new locks built outside of the old ones.

We have assumed in this estimate that the State of Illinois will provide for the payment of the present registered canal bonds, amounting to about $2,000,000, on which she is now paying the interest, and to the payment of the principal of which the canal tolls, over what is required for repairs and other expenses, are applied. The great interest which the people of the State have in the work justifies the belief that she will readily make provision for doing this.

In order to answer an objection which might suggest itself to those interested directly in the navigation of the Illinois river against the levying tolls on its commerce, it may be stated that such is the difference in the cost of transportation between high and low water that the proposed improvement would reduce it, with the tolls added during nearly the entire season, about 20 per cent. below the present rates.

That no doubt may remain on this point we present the following statement of the depth of water on the bars in the upper portion of the river in each month of navigation for the year 1860:

In March, 6 feet 5 inches; in April, 3 feet 5 inches; in May, 2 feet 7 inches; in June, 1 foot 11 inches; in July, 2 feet 3 inches; in August, 2 feet; in September, 1 foot 8 inches; in October, 1 foot 8 inches; in November, 2 feet 5 inches.

It will be seen that during only one full month was there sufficient water to allow free passage to large-sized boats, while for seven months remaining it was reduced to a stage admitting only those of the smallest size or none whatever. The usual cost of transportation of a bushel of grain from this river at high water is five cents, at low stage of water eight to ten cents.

We do not propose to enter into minute calculations in regard to the prospective revenues which the work would yield, taken comparatively, as they must of necessity be in a great measure speculative. No similar work has, as far as we are aware, ever been undertaken, the Erie canal being as yet only used (except to a limited extent) for horse-power, while this is calculated to admit of steamboats of from 800 to 1,000 tons burden, the cost of transportation by which is only one-third that by horse-power in boats of 140 tons. The Erie canal is three hundred and fifty-two miles in length, and has cost $40,000,000; this improvement is three hundred and sixteen miles long, and may be finished for nine and a quarter millions, on a scale which for capacity and solidity is unrivalled. The tolls on the Erie canal for 1861 were about $3,800,000—sufficient to pay the interest on its cost at six per cent. and leave an excess of $1,400,000.

If it be said that the circumstances of the two works are different,

this is granted; but they are perhaps more favorable to the western than the eastern works. The articles to be transported by it are generally bulky and which cannot bear high charges, and will therefore be more suitable for canal and river than railroad freight.

The junction of the Mississippi and the lakes seems fully to rival in importance that of the lakes with the Hudson.

But while prudential calculations cannot be altogether lost sight of, this work commends itself on the higher ground of national value.

If the State of New York had never received a dollar from the Erie canal above the cost of attendance and expenses, she would still have been the gainer in wealth and power by its construction. If the general government had, as was at one time proposed, undertaken it, it would have been fully justified by the result. As no doubt can be entertained as to the value and national character of the western work, its performance may be urged on the same grounds of general policy which applied to the Erie canal. Among the most certain and important results of its construction is the increase in value of taxable property over the whole region affected by its commerce. In many parts of Illinois, Iowa, Wisconsin, and Minnesota, corn is burned for fuel or allowed to rot in the fields for want of cheap transportation to market. The price per bushel is, at those points, not above from six to ten cents, not yielding to the producer any surplus above the means of supplying the necessaries of life.

The opening of this steamboat canal will, in many localities, double the price of grain, and affect in a proportionate degree the price of land, and afford the people the means of paying those taxes so necessary for the support of the government in the future.

Then, again, we might refer to the effects of the building of the Erie canal as an index of what may be expected from this. Although the means of transportation by the present canal and by railroad are now considerable, they are often insufficient to carry off the produce of the country without delay, and, as a consequence, high freights rule. But as the population of the States we have named is doubled every ten years, we must expect that this difficulty will, unless remedied, increase from year to year, checking production and retarding the advancement of the country. Great as is the productiveness of these States, not more than one acre in ten of their arable land, and in some. as Minnesota, not one in a hundred, is as yet under cultivation, and the part in use is not cultivated in a manner to develope its full capacity of production, so that we may confidently expect that, if properly fostered, the productiveness of this region will more than keep pace with the increase of population.

If a railroad to the Pacific ocean should be constructed, this canal would form a link in the chain of communication by water from New York to some point on the Missouri river where a Pacific railroad would terminate, thus reducing the cost of transportation for many articles over one-half of the distance.

In conclusion, we may repeat, that whether considered in a military, naval, commercial, or political aspect, it is in every respect national in its character, and deserving the aid of this government.

Its construction would be but a suitable acknowledgment and a reward of the patriotism of those brave and loyal men of the northwest, who at this moment are engaged in re-opening the Mississippi to our boats, and in "conquering a peace" for the nation.

To New England it will give cheaper food for her artisans, a freer outlet for manufactures, and in case of foreign war a cheap inland highway for the cotton of the south.

To New York and Pennsylvania, new commerce to their chief cities, more business for their public works, and therefore increased revenues.

To the northwest it will cheapen the products of the rice and sugar fields of the south, and give a reliable outlet to the products of their fields, forests, and mines.

To the entire south it will cheapen the food for laborers, and give a new market for the products of their toil.

In accomplishing ends so great, how small is the sacrifice required. To do it now will be, in the words of a distinguished son of New York, in regard to her own canal, "to rear a structure to stand for all coming time a mark, a type, an ever-enduring record of the forecast and fortitude, power and wisdom of the generation which called it into being."

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 38.

JOHN WILSON.

FEBRUARY 25, 1862.—Committed to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

Mr. HUTCHINS, from the Committee of Claims, made the following

REPORT.

The Committee of Claims, to whom was referred the petition of John Wilson, for services rendered the House of Representatives, under resolution of May 4. 1848, *for preparing maps of the land States, have had the same under consideration, and beg leave to report:*

That from the papers filed in the case, it appears that the petitioner, one of the principal clerks of the General Land Office, was selected by the Clerk of the House, with the consent of the Commissioner of the General Land Office, immediately on the passage of the resolution, to take charge of the preparation of those maps, and render all necessary assistance required for that purpose. This selection was made because of the petitioner's thorough and general knowledge of the land business, indispensable to the proper preparation of these maps, especially in the earlier stages of the business, where difficulties in the surveys, private claims, reservations, and sales under the old credit system and relief laws had to be adjusted, so as to be properly depicted on the maps.

It also appears that the regular duties of the petitioner were onerous, and required close attention the full time usually devoted to office business of six hours per day.

To discharge these two-fold duties it required constant labor, on an average of double the ordinary official hours, during the time the petitioner was engaged in this service; and from the papers it appears he faithfully performed that labor, and that the services thus rendered the House, from the knowledge required and the time devoted to it, was fully as valuable as that which he rendered to the government in his official capacity. The committee consider this claim just and equitable; that it does not come within any of the prohibitions made by the several laws on this subject; and as the service was rendered to the House, and was of the character then paid out of the contingent funds of the House, your committee beg leave to report the following resolution directing the Clerk of the House to pay this claim out of that fund:

Resolved, That the Clerk of the House pay John Wilson, out of the

contingent fund of the House, for his services in superintending and directing the preparation of the maps of the land States for the use of the Committee on Public Lands, ordered by resolution of the House of May 4, 1848, at the rate of fifteen hundred dollars per annum from May 4, 1848, to January 14, 1852, during which time he was engaged in that service.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 39.

J. W. NYE.

[To accompany bills H. R. Nos. 297 and 298.]

FEBRUARY 25, 1862.—Ordered to be printed.

Mr. CALVERT, from the Committee for the District of Columbia, made the following

REPORT.

The Committee for the District of Columbia, to whom was referred the memorial of J. W. Nye, submit the following report:

That there are three distinct claims presented against the government by this claimant, which will be described in the order in which they appear to have originated. These claims have been so long before Congress, and have been so frequently and thoroughly examined and reported upon by our predecessors, that it is not deemed necessary to enter into a minute examination of all the items of each, but simply to state the general principles and evidence upon which they are founded.

In 1832 contracts were entered into by the Commissioner of Public Buildings, by virtue of an act of Congress, with Peter Bargy, jr., and Hugh Stewart, for macadamizing Pennsylvania avenue, and the contractors entered vigorously upon their work, as they were limited to a certain period for the completion of the same. In a very short time after commencing operations the Asiatic cholera broke out in Washington, and raged to such an extent as to alarm and drive off many of the laborers engaged on the work. Under these circumstances the contractors applied to the Commissioner to be allowed to suspend the work until this scourge should subside.

The Commissioner not only refused this reasonable request, but he went much further and interfered with the rights of the contractors by employing a physician to go among the laborers to advise them not to perform the usual amount of labor required of them. In consequence of this advice, it is proved by Mr. Ford that the contractors were compelled to nearly double the amount of wages paid the men, at a time when they were not obtaining more than half the amount of labor from them.

After several favorable reports of committees of both houses of Congress on this claim, it was submitted, in 1841, to the Committee on Public Buildings and Grounds, and elicited a very able report from

Mr. Leonard, of that committee, which, after reviewing the whole case, adopted the principle that the contractors were equitably entitled to a full allowance of all that they had lost by the refusal of the Commissioner to allow them to suspend the work during the prevalence of the cholera, and his further interference with the labor of the men. This report has been furthermore sustained by that of Mr. Cobb, in 1844, from a select committee appointed to investigate the same claim, and again, in 1858, by the report of Mr. E. Joy Morris, from the Committee for the District of Columbia.

Mr. Nye was a sub-contractor under Bargy & Stewart, and brought suit against those parties to recover the large amount of their indebtedness to him; but at the instance of several members of Congress who had investigated their claim, he was induced to release them and take their assignment of this claim in full satisfaction of the debt due him. Your committee would refer particularly to the report made in the Senate by Mr. Hubbard, in 1838, and to that of Mr. Mallory, in the House, in the same year, and to those of Mr. Leonard, in the House, in 1841, and Mr. Morris, in the House, in the year 1858, and recommend the passage of the bill introduced by the latter, herewith enclosed.

The second claim of J. W. Nye for damages and losses sustained by being deprived of a lease is founded on a lease obtained in 1843 from the President of the United States for a certain piece of ground, being the lot on which the botanic garden is located.

The conditions of this contract required a very heavy outlay in making certain improvements, which were not completed until three years of his lease had expired. The terms were fully complied with to the satisfaction of the Commissioner under whom the contract was made; but in one year after the completion of these improvements a new Commissioner was appointed, by whom Mr. Nye was forcibly ejected from the premises. His crops were harvested and sold for the benefit of the United States; and by these illegal acts of a government official, he was deprived of his property, and the profits arising from it, for six out of the seven years that it would have been productive.

To substantiate this claim, Mr. Nye produces a certified copy of the lease, executed by John Tyler, President of the United States, in 1843, with an indorsement made by the same party in 1856, declaring that the act of the Commissioner in dispossessing Mr. Nye was in defiance of law and justice. In making these improvements, Mr. Nye never supposed for a moment that he could have any future claim against the government for the cost thereof, as he could not foresee any such injustice as a forcible ejection from the premises before the termination of his lease, when the property reverted back to the government, with the improvements, and therefore he never kept a strict account of the cost thereof.

In the 34th Congress a bill passed the House of Representatives awarding him $3,200 on account of this claim, being a liquidation of so much of the cost of these improvements as he had vouchers to sustain; but when it was taken up in the Senate, it was insisted that

these improvements required further investigation, and a sworn measurer was employed to a make a report on the value of the same. This estimate, which is made a part of Mr. Nye's memorial, shows that these improvements were worth $7,982 84. As it was late in the session when this report of the measurer was received, it was feared, if the Senate should amend the bill by putting in the full amount thus found to be justly due Mr. Nye, it could not become a law at that session, and therefore Mr. Nye was advised to take the bill as it stood, and make another application the next session for the residue. Each succeeding Congress has recognized his right to the balance of this claim by reporting bills for his relief, but at so late a period of the session that they have failed to become laws.

Your committee therefore make the following statement of his account, and recommend the passage of the accompanying bill for his relief.

The United States to J. W. Nye, Dr.

To value of improvements by report of sworn measurer		$7,982 84
CR.—By use of ground for one-seventh of time he was entitled to same after making the improvement	$1,140 40	
By cash from sale of materials	210 00	
By cash received	3,200 00	
		4,550 40
To balance due J. W. Nye		3,432 44

A contract was entered into on the 15th of January, 1844, between John M. Johnson, esq., (postmaster of the House of Representatives,) and Mr. J. W. Nye, which received the unanimous approval of the Committee of Accounts. It is stipulated in that contract that the said Nye should furnish "three horses and three one-horse carriages for the use of the House of Representatives for the remainder of the 28th Congress, and hauling all the boxes and other articles for the use of the House of Representatives for the remainder of the 28th Congress, and to pay unto the said party of the second part one dollar and seventy cents per day for the use of each horse and carriage, or the same paid therefor during the 27th Congress; also the same prices for the boxes and other articles as were paid for the same during the last Congress."

It is proved by the affidavit of Mr. Hill, assistant postmaster of the House, (taken before the Committee of Accounts of the 28th Congress,) that Mr. Nye entered faithfully on the work, and both he and his son rendered very valuable assistance to the office, gratuitously, outside of his contract; "that he never heard any complaint from Mr. Johnson, or any of his messengers, of Mr. Nye or any of the property until Mr. Nye complained of the abusive and destructive manner in which his property was used. Mr. Nye frequently complained to

Mr. Johnson of the abusive and destructive manner in which they were using his property, both verbally and in writing; to any of which, as far as I have any knowledge, Mr. Johnson never paid the least attention; always found Mr. Nye very kind and accommodating in rendering us any assistance, marking boxes, or anything we might want of him; always found a horse and cart at the stables and a person ready to drive whenever wanted to do the hauling. Until the chairman of accounts called on Mr. Johnson and informed him that the hauling belonged to Mr. Nye and he must have it, Mr. Johnson preferred to let John Lee do it; heard Johnson say he would take the contract from Nye if he could; that Nye should have nothing to do about the Capitol if he could prevent it."

The honorable George B. Rodney, of the House of Representatives, proves that the Committee on Accounts examined the condition of Mr. Nye's horses and carryalls, and pronounced them sufficiently good for the service.

It is proved by the affidavits of a number of respectable witnesses, before the Committee of Accounts, that Mr. Nye suffered great loss from the neglect of Mr. Johnson to employ proper persons as messengers; that his horses were killed and his carryalls and harness destroyed by the neglect and carelessness of the messengers employed by Mr. Johnson.

The report of B. B. French, esq., shows that during the years 1844 and 1845, there was paid to others than J. W. Nye the amount due for 958 days' use of carryall and horse, which at the contract price of $170, amounts to $1,628 60, and that there was also paid to other parties for hauling boxes and other articles the sum of $351 24, which, with the $1,628 60 previously mentioned, makes the gross sum of $1,979 84, all of which rightfully belonged to the claimant, J. W. Nye, under his contract.

From all the evidence it is perfectly clear that J. W. Nye complied with his portion of the contract, and that he suffered great loss and injury from the failure of an officer of the government to protect him in his just rights. It was as much the duty of Mr. Johnson, under that contract, to see that the property of Mr. Nye was not unnecessarily abused or injured as it was the duty of Mr. Nye to furnish the property, and his neglect to do so, and his employment of others to do the work that Nye was ready and willing to do, in violation of the contract made with Nye, imposes not only an equitable, but a legal obligation on the government to pay this sum of $1,979 84, less $525 already paid. This sum only includes the amount which should have been received by Mr. Nye under his contract, but which was paid to other parties, and does not embrace a just claim which he has for damages on account of the wanton destruction of his property for at least as much more. In consequence of not receiving the amount of this claim in 1845, when it became due, Mr. Nye's property was all seized for debt and sold at a ruinous sacrifice, as shown by the evidence of Mr. Kimmele.

Your committee would therefore, for the foregoing reasons, recommend the passage of the accompanying bills.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 40.

JOHN KLINE vs. JOHN P. VERREE.

FEBRUARY 27, 1862. – Ordered to be printed.

Mr. DAWES, from the Committee of Elections, made the following

REPORT.

The Committee of Elections, to whom was referred the memorial of John Kline contesting the right of the Hon. John P. Verree to a seat in the 37th Congress as a representative from the third district in the State of Pennsylvania, and praying to be admitted to the same himself, having considered the same and the evidence submitted in reference thereto, respectfully submit the following report:

The third district of Pennsylvania is composed of the 11th, 12th, 16th, 17th, 18th, and part of the 19th wards of Philadelphia. The election here contested was held on the second Tuesday of October, 1860, which was the general election for State officers. The whole number of votes returned as cast at that election for representative in Congress was 18,204, of which there were returned for Mr. Verree 8,931 votes, for Mr. Kline 8,909 votes, and for Mr. G. J. Hamilton 359, Mr. W. Morgan 5 votes, making Mr. Verree's returned majority over Mr. Kline 22 votes.

The several wards constituting this congressional district are subdivided into divisions or election precincts, at which the polls are opened and ballots received. The election at each of said divisions is conducted by one judge and two inspectors, who are chosen annually; and for the protection of minorities the law of the State of Pennsylvania provides that at the election of such inspectors each voter shall vote for but one, and that the two persons receiving the highest number of votes shall be declared elected inspectors. It sometimes happens, however, where one political party can give a majority larger than the entire vote of the other; a division of its vote can be so adjusted as to secure the election of both inspectors against the spirit and object of the law. Each inspector appoints one clerk to assist at the election, and upon the application of twenty citizens the court of common pleas can appoint three watchers to be present at each precinct.

It is made the duty of the judge in every election division on the night of the election to make out and subscribe a certificate of the votes there given, and on the next day to file the same with the pro-

thonotary of the court of common pleas, and to return a duplicate of the same to a meeting of all the judges and inspectors from the several divisions of the ward, who are required to ascertain the vote of the ward, and return the same by one of their number, duly elected by them as return judge for such ward, to a meeting of the board of return judges, to be holden on the Friday next succeeding the election, whose duty it is to add together all the ward returns and issue the certificate of election.

Upon the receipt of a certificate from these return judges setting forth the number of votes cast for each candidate, ascertained in the foregoing manner by the secretary of State, it is the duty of the governor, by proclamation, to declare who is elected.

Mr. Verree was declared elected, as well by the certificate of the return judges as by the proclamation of the governor, and was admitted to, and still holds, the seat. Immediately upon the issue of the governor's proclamation, the contestant served upon the sitting member his notice of contest. As the sufficiency of this notice was the subject of much discussion before the committee, it is here copied in full:

PHILADELPHIA, *November* 7, 1860.

SIR: You will take notice that I will contest your right to a seat in the House of Representatives as the member from the third congressional district of Pennsylvania in the 37th Congress, the grounds of contest being as follows:

1. That at the election held on the 9th of October, 1860, *many persons voted illegally.*

2. That sundry persons in the sixteenth and eighteenth wards, "not white male citizens of the United States," *were permitted to vote for you.*

3. That many persons voted for you in the sixteenth, eighteenth, and other wards, on false *naturalization papers.*

4. That sundry persons, not residents of the State, voted for you in the *seventeenth and other wards.*

5. That sundry persons not of the age of 21 years were permitted to vote for you in the *eighteenth and other wards.*

6. That large sums of money were expended in the eleventh, seventeenth, and other wards, in procuring for you the votes of persons *not qualified electors.*

7. That in the fourth division of the nineteenth ward the poll was closed during the day, in violation of law.

8. That one of the election officers of the sixteenth ward stated he would make one hundred dollars inside. and urged on an officer of the twelfth ward to do likewise and help him to secure your election. for which he was to receive said one hundred dollars; and I believe that I shall be able to prove that said officer did commit a fraud to benefit you, and the effect of which fraud. so committed by him, was to secure you the certificate of the return judges.

9. That the returns made to the return judges are not correct. By fraud and error they were made out so as to give you a majority over

me of the votes polled in said congressional district. This will appear by an inspection of all the papers returned by the officers of the election as required by law. in the nineteenth ward and other wards in said district.

10. The examination of the tally papers and all of the other election papers relating to said congressional election, and deposited in the office of the prothonotary of the court of common pleas, and deposited in the several ballot-boxes in said congressional district, together with a recount of all the ballots deposited in said ballot-boxes in said district at said election, will show that you were not elected, and that I was elected.

11. You will further take notice that I claim to have received a majority of all the votes legally cast at said election, and that I am therefore legally entitled to represent the qualified electors of the third congressional district of Pennsylvania in the *thirty-seventh Congress.*

Respectfully yours, &c.,

JOHN KLINE.

Hon. JOHN P. VERREE.

The sitting member, in answering said notice in conformity with the act of Congress, November 28, 1860, and before "admitting or denying the facts alleged therein," or "stating specifically any other grounds upon which he rests the validity of his election" as required by said act, took exception to this notice of contest for these reasons, viz:

That said notice is uncertain, vague, and indefinite, and not such a statement of the grounds of contest as is contemplated and required by the act of Congress in such case made and provided.

That the statements and allegations are so general in their character that I have not been able to anticipate or determine what you propose to prove; consequently I shall be unable to prepare for cross-examination, or to provide countervailing or rebutting testimony in my defence against those statements and allegations.

I therefore shall except to any testimony offered to be taken or taken by you under said notice.

The sitting member then proceeded with more particularity to specify his grounds of objection to each head of said notice, setting out in what respect the charges therein contained were defective by reason of uncertainty and generality, and concluding with specific denials. There was no amendment of the specifications on the part of the contestant. These objections to the sufficiency of the specifications of contest were removed when the evidence was taken before the magistrate; and at the outset of the hearing before the committee the setting member filed a motion to dismiss the entire proceedings for the same reasons. These objections to the generality and vagueness of the notice of contest are more fully set out in the answer of the sitting member, to be found in Mis. Doc. of last session, No. 6, page 11.

The committee were compelled therefore to pass upon the sufficiency of this notice before considering the merits of the case. They

heard counsel of sitting member and contestant upon this preliminary question, and gave to its consideration much time and attention. As a question of practice it is of importance.

The statute of 1851 (9 Statutes, 569) enacts, that "whenever any person shall intend to contest an election of any member of the House of Representatives of the United States, he shall, within thirty days after the result of such election shall have been determined by the officers or board of canvassers authorized by law to determine the same, give notice in writing to the member whose seat he designs to contest of his intention to contest the same, and in such notice *shall specify particularly the grounds upon which he relies in the contest.*"

Did this notice specify *particularly* the grounds of this contest? It is proper to state that the contestant waived before the committee all grounds of contest, except such as may be found in the last clause of the tenth specification. The attention of the House is therefore called to this specification, and to the *particularity* of the grounds of contest which that clause in it contains. It is in the following words:

"10. The examination of the tally papers relating to said congressional election, and deposited in the office of the prothonotary of the court of common pleas, and deposited in the several ballot-boxes in said congressional district, *together with a recount of all the ballot-boxes in said district at said election, will show that you were not elected and that I was elected.*"

Without subjecting this specification to the criticism that the last clause is inseparably connected with the first, so that the whole must be taken together and constitute but one allegation quite different in its meaning from any just interpretation of the last clause, if standing alone; suppose it were a simple allegation, standing alone, that "a recount of all the ballot-boxes in said district will show that you were not elected and that I was elected," in what just sense could it be said that such an allegation is a compliance with that provision of law which requires of the contestant to "specify *particularly* the grounds upon which he relies in the contest." What is it, more or less, than the assertion, "you were not elected and I was," or "I received more votes than you?" The common law pleading, "you did" and "I didn't," would have every element of "particularity" in it which is contained in such a specification. The only precedent under existing laws approaching this in vagueness and generality, which has come under the notice of the committee, is that of Vallandigham *vs.* Campbell in the 35th Congress. But there is this to distinguish that case from the present one. In that case the sitting member took no exception to the motion of contest for want of particularity when served upon him, or in his reply thereto, or during the taking of testimony; but on the other hand filed his own answer in the same general terms, and the contest proceeded without objection on either side till the hearing before the committee, where the objection was first raised, when it was too late for either party to retrace his steps or correct the mistake. Whatever might have been the opinion of that Congress as to the sufficiency of those specifications, it might well have been held in that case, indeed, it could not well have been

held otherwise, that any such defect in specification or answer had been waived by the parties. But in the present case there could be no waiver. The exception to the sufficiency of this motion was taken at the earliest practicable moment, and in time for the service of a new notice. It was also renewed at the taking of the testimony and at every stage of the hearing. There was no excuse offered for a non-compliance with the law in this particular, and the committee could discover none.

The question was thereupon presented to the committee, shall parties contesting seats in the House of Representatives be held to conduct that contest according to the requirements of the statutes of the United States, or be permitted, without expense, to depart from and disregard the plainest provisions of those statutes in this regard, founded in the plainest principles of justice and fair dealing? Long before the statute was enacted parties to contested elections, both in England and this country, were held to a compliance with the same rule.—(Leib's case, Clark & Hall, 165; Luttrell *vs.* Hume, 4 Doug., Elect. cases, 25; Skerret's, 2 Pars., 509; Carpenter's case, 2 Pars., 537; Kneass's case, 2 Pars., 553.) Several of the cases here cited are from the State of Pennsylvania, and, so far as the local law of the State where this contest has arisen, forms a rule for the guidance of the parties, are clear and decisive against the sufficiency of this notice of contest. And the committee, after a careful consideration of this question, have come unanimously to the conclusion that this notice is in no just sense a conformity with the requirements of the statute, or the well settled rules which should govern in all contests of this kind.

The committee have not felt at liberty to pass over this entire disregard of well settled rules and statute enactments without notice, lest proceedings like these should grow into precedents, and parties to contests should hereafter meet committees, not for the purpose of trying prepared and defined issues, but for the purpose of making vague and uncertain complaints, and indulging in endless and unsatisfactory discussions.

The committee were however induced, from a desire that no injustice might by any possibility be done the contestant, to permit him to orally "specify" and "particularize" the grounds upon which, under the last cluuse of the 10th specification, this contest is based. And they are, that in the 3d division of the 11th ward the division inspectors made a mistake in counting the votes for each of the candidates, to wit, that they counted for the sitting member ten more votes than he was entitled to, and the contestant seven less. And that by a like mistake in the 3d division of the 16th ward they counted for the sitting member sixteen more votes than he was entitled to, and for the contestant fourteen less. In the 4th division of the same ward, by a like mistake, they counted for the sitting member twenty-two *less* than he was entitled to, and for the contestant four *more* than he was entitled to. In the 1st division of the 18th ward, by a like mistake, they counted for the sitting member one less, and the contestant one more than each was entitled to. In the third division of the same

ward, by a like mistake, one more vote was counted for the sitting member than he was entitled to. In the 4th and 6th division of the same ward a like mistake was made of one vote in favor of contestant in each. In the 7th division of the same ward, by a like mistake, two votes *less* for sitting member and two *more* for contestant were counted than each was entitled to. In the 1st division of the 19th ward, by a like mistake, seven votes were counted for sitting member more than he was entitled to. In the 2d division of the same ward, by a like mistake, two votes for sitting member and one for contestant were counted more than each was entitled to. In the 4th division of the same ward, by the same mistake, three votes for sitting member and four for contestant were counted more than each was entitled to. And in the 11th division of the same ward, by a similar mistake, two for sitting member and one for contestant were counted more than was the true vote for each.

The whole claim of contestant may be stated in tabular form, as follows:

Eleventh Ward.

	Verree.	Kline.	Hamilton.
THIRD DIVISION:			
Official	151	141	2
Recount	141	148	4
Kline's gain, 17 votes.			

Sixteenth Ward.

THIRD DIVISION:			
Official	182	166	6
Recount	166	180	6
Kline's gain, 30 votes.			
FOURTH DIVISION:			
Official	201	158	27
Recount	223	162	27
Verree's gain, 18 votes.			

Eighteenth Ward.

FIRST DIVISION:			
Official	236	121	9
Recount	237	120	9
Verree's gain, 2 votes.			
THIRD DIVISION:			
Official	214	150	10
Recount	213	150	10
Kline's gain, 1 vote.			
FOURTH DIVISION:			
Official	231	136	8
Recount	231	135	11
Verree's gain, 1 vote.			

	Verree.	Kline.	Hamilton.
SIXTH DIVISION:			
Official	286	134	8
Recount	286	133	8
Verre's gain, 1 vote.			
SEVENTH DIVISION:			
Official	271	187	15
Recount	273	185	15
Verree's gain, 4 votes.			
Nineteenth Ward.			
FIRST DIVISION:			
Official	321	222	4
Recount	314	222	4
Kline's gain, 7 votes.			
SECOND DIVISION:			
Official	201	201	4
Recount	199	200	4
Kline's gain, 1 vote.			
FOURTH DIVISION:			
Official	311	251	0
Recount	308	247	0
Verree's gain, 1 vote.			
ELEVENTH DIVISION:			
Official	210	166	6
Recount	208	165	6
Kline's gain, 1 vote.			

Recapitulation.

	Verree's gains.	Kline's gains.	
Eleventh ward	..	17	
Sixteenth ward	..	12	
Nineteenth ward	..	8	
		—	37
Eighteenth ward	7		
Verree's returned majority was	22, making	..	29
			—
Kline's actual majority as claimed			8
			=

In support and denial of this allegation, as thus reduced to form, proof was adduced on the one side and the other before the committee, and able arguments of counsel submitted for their consideration. The evidence may be found in Mis. Doc. of last session, No. —, and of this session, No. 27.

The law of Pennsylvania contained at the time of this election a peculiar provision for the preservation of the ballot-boxes after any

election, and the use to be made of them afterwards. It may be found in Purdon's Digest, section 55, page 287, and is as follows:

"As soon as the election shall be finished the *tickets*, list of taxables, one of the lists of voters, the tally papers, and one of the certificates of the oath or affirmation taken and subscribed by the inspectors, judges, and clerks, shall all be carefully collected and deposited in one or more of the ballot-boxes, and such box or boxes, being closely bound round with tape, shall be sealed by the inspectors and the judge of the election, and together with the remaining ballot-boxes shall, within one day thereafter, be delivered, by one of the inspectors, to the nearest justice of the peace, who shall keep such boxes containing the tickets and other documents to answer the call of any person or tribunal authorized to try the merits of such election."

This allegation embraces the recount of twelve ballot-boxes, yet no change of result could be obtained without that produced by the recount of the ballot-boxes in the three following divisions, viz: the third division of the eleventh ward, the third division of the sixteenth ward, and the first division of the nineteenth ward. In these three divisions it is claimed that there were mistakes in the original count against the contestant amounting in the aggregate to fifty-four votes. The attention of the committee was accordingly directed by both parties especially to these divisions. The claim of the contestant that the vote returned for member of Congress from these three divisions should be corrected to conform to the number of votes found in the ballot-boxes recounted, as of those divisions involves the settling of two other preliminary questions. Were the ballot-boxes produced the ones actually used at these precincts at the election contested? And did they contain untouched the ballots so cast? Indeed it must be apparent to every one that unless the committee could be satisfied of both identity and security they could not control and correct the sworn return by any subsequent count.

Upon the question of *identity* the committee have had little or no difficulty. It was testified in respect to each of the boxes under consideration by the alderman of the ward who resided nearest the precinct that he received the box from the election officers of that precinct on the night of the election as and for the ballot-box used at that precinct, and each was so labelled when received. There was other evidence tending to strengthen this. And the committee were left without doubt that the boxes produced were those actually used at these precincts.

Upon the question of *security*, whether these ballot-boxes when opened and recounted before the magistrates, were in the same condition as when sealed up by the election officers and delivered to the aldermen on the night of the election, there was much conflicting testimony and much doubt.

THIRD DIVISION ELEVENTH WARD.

The box of this division was received by Alderman Williams on the night of the election, and placed by him in the vestibule of his

office, over the door, upon a shelf with the other boxes, so high up as to require the use of a chair to reach it. There he thinks it remained undisturbed till the 8th of January, the day it was taken to the magistrate's office to be opened, a period of three months. He took it himself, with other boxes, on that day to the office of the magistrate for that purpose, having the assistance of one Samuel L. McKinney, the constable of the ward, in carrying and bringing back the boxes. The box was not opened on that day as was expected, and was taken again to the office in like manner and for a like purpose on the next day. Yet, although Alderman Williams believed the box when opened to be in the same condition as when it was received by him—the office where it was deposited was a place of frequent resort, especially by the constable McKinney, and by another alderman ; and McKinney testified that on the day before the box was taken the first time from the office to the magistrate to be opened, in the absence of Alderman Williams, a person, a stranger to him, came to the office, representing to him that he had come after this box to take to the magistrate; that, believing his story, he helped him get it from the vestibule and take it away ; that it was carried away in a basket, covered up with a cloth and kept from 10 till 3 o'clock in the afternoon, when it was returned by the same man who took it, and that Alderman Williams did not return to his office till 7 o'clock in the evening, and then not entirely sober. The character of McKinney was attacked, and it appeared that he had been convicted of "extortion," or obtaining money by fraud, and had been pardoned by the governor and since elected constable of the ward. Alderman Williams testified that he would not believe him under oath. If his character is as bad as claimed by the contestant, the committee believe him to be a very unsafe person to keep the company of ballot-boxes for three months, or to be intrusted with them, as he was by Alderman Williams, to carry to the magistrate's office, and would be a very suitable person to do or connive at the very thing he testifies was done.

The committee could, however, place no confidence in the integrity of a ballot-box which had been in such company and keeping for three months, and when opened was found not to agree with the sworn returns received at the time of the election. By this recount the contestant gained seventeen votes. As the entire recount gives him but eight majority, it is obvious that, without this correction, the result cannot be changed. The committee think it would be most unsafe to contest the returns by such testimony.

THIRD DIVISION, SIXTEENTH WARD.

This box was received on the night of the election by Alderman Mecke, of the sixteenth ward, and by him kept under the desk in his office till the 6th of December following, when it was removed by him with the boxes to his new house, and placed with them in a boarded cellar till the examination before the magistrate of the 25th of January following. This alderman was one of the magistrates who took the testimony for the contestant, and when his own deposition

was taken, another magistrate was substituted in his place. The box was brought by him to the magistrate's office two days before it was opened, and left there by Alderman Mecke in an unfastened closet in charge of no one. There it remained from Thursday until Saturday, when it was opened. Alderman Mecke, previously to the opening of the box, became very much alarmed and impressed with the idea that it had been tampered with, though he could assign no very definite reason for his suspicions. His testimony on this point was, "I believe the condition of the box has been changed; it has been tampered with." He at first believed that the wax with which it was sealed was too fresh in appearance, and went into the cellar to examine the wax upon the other boxes to satisfy himself upon this point. While there Alderman Remick, in whose office the box had been left by him from Thursday till Saturday, came into the cellar, and Alderman Mecke spoke to him of his uneasiness, as follows:

"I believe I told him that I was unnerved. I had not slept for two nights, and I was fairly trembling then, which was shown by the fluid lamp which I held in my hand.

"Question. Did Alderman Remick make any reply in the presence of Mr. Verree? If so, state what it was. Give, as nearly as you can, his own words.

"[Question objected to.]

"Answer. I believe he laughed at me, and said I was a damned fool; that is as near as I can recollect."

The opening and recount of this ballot-box is described in detail on pages 90 and 91 of Mis. Doc. 6 of the last session. The full tickets were found in bundles of ten twisted together, and the scratched or broken tickets were found by themselves in bundles. Exact copies of the tally lists used at this division were before the committee, and the full bundles of tens were found to coincide with the XX's, indicating tens on the tally lists, and the scratched tickets found in bundles by themselves corresponded with the tallies for odd tickets on the tally list, and altogether agreed with the original return. But on opening the twisted bundles which had been counted as full tens for the sitting member, there were found in those bundles "stickers" for contestant upon the tickets over the name of the sitting member, sometimes one, sometimes two, and sometimes three in a bundle. And the claim of the contestant was that by *mistake* these ballots with "stickers" had been counted as full ballots, the "stickers" being overlooked. This ballot-box was produced before the committee, the bundles of ballots having, at the request of the sitting member, been by the magistrates restored to it and the box sealed up again. and forwarded to the Clerk of the House. On breaking the seal and opening the bundles of tens, the committee found the "stickers" to be of yellow paper upon a white ballot, making a most striking contrast, visible as far as the ballot could be seen. No one but a blind man could make the mistake of overlooking these "stickers," for none other could fail to see them. There were other peculiarities noticed by the committee upon taking out from the bundles the ballots found in them with "stickers" upon them. In very many in-

stances the "sticker" was a smooth piece of paper pasted over a fold in the ballot, with no corresponding fold in the "sticker," showing that the "sticker" had been placed upon the ballot at some time *after* it had been folded. So in some instances the twist in the ballot caused by twisting it in the bundle was not discoverable on the "sticker" which had been pasted on its face.

With all the proof before them touching this ballot-box, that it had been out of the custody of the law, in an unfastened closet, for two days, just before it was opened, when temptation was the strongest to tamper with it, the strange conduct of the alderman who had it in custody, his own conviction and assertion that it had been tampered with, the cool, comforting assurance of the other alderman in whose office it had been so carelessly left, and the condition of the ballots themselves when opened, the committee could not give to a recount thus made the effect of controlling the tally list and sworn return made at the time, especially so when it is claimed, as in this instance, that a ***mistake*** of thirty votes was made in counting three hundred and fifty-four, by innocently overlooking yellow pasters on white ballots.

FIRST DIVISION NINETEENTH WARD.

The ballot-box in this division was received from the inspectors on the night of the election by Alderman Stuart Field, and by him kept till produced before the magistrates and opened, on the twenty-first of January following. When the box was produced it was not found to be closed tightly, but it was so imperfectly tied with the tape that, at that time, the lid could be opened the space of three-eighths of an inch—wide enough to introduce single ballots, but whether bundles of tens could be introduced, the alderman himself had some doubt. Loose ballots were plainly visible through the aperture, which was large enough not only to insert but subtract ballots. When the box was opened, a quantity of single tickets was found loose in the box, next to the opening, some for sitting member, some for contestant, and others for other individuals. The judge of the election testified that the scratched tickets were put back into the box loosely, after the bundles of tens had been placed in the box; but one of the inspectors testified that the scratched tickets were twisted together and laid on top, adding, "I helped do it myself."

It is apparent that this box had never been sealed according to law, or had been subsequently tampered with, and in either event no recount of it in the condition found before the magistrate could be taken as against the return made on the night of the election. But as the contestant gained but seven votes by a recount of this box, without the aid of the recounts of the third division of the eleventh ward, and the third division of the sixteenth ward, by which forty-seven votes were gained to contestant, and which have been already rejected, the recount of this division, if allowed, would be of no avail to him, and becomes, therefore, comparatively unimportant.

The committee are therefore unanimously of opinion, that, accord-

ing to the contestant, all the corrections claimed by him in the other divisions, he is nevertheless not entitled to the fifty-four votes claimed by him to have been by mistake omitted from his count in the third division of the eleventh, the third division of the sixteenth, and the first division of the nineteenth wards, and is consequently not elected. They therefore recommend the adoption of the following resolutions:

Resolved, That John Kline is not entitled to a seat in this House as a representative in the 37th Congress from the third congressional district in Pennsylvania.

Resolved, That John P. Verree is entitled to the seat now occupied by him as representative in the 37th Congress from the third congressional district in Pennsylvania.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 41.

FREDERICK A. BEELEN.

[To accompany bill H. R. No. 303.]

FEBRUARY 28, 1862.—Ordered to be printed.

Mr. FRANCIS THOMAS, from the Committee on Foreign Affairs, made the following

REPORT.

The Committee on Foreign Affairs, to whom was referred the petition of Frederick A. Beelen, late secretary of the United States legation to Chili, praying to be allowed the difference between his salary at the time he was appointed and that fixed by subsequent legislation, have had the same under consideration, and now report:

That from the statements in the petition, and also from a letter from the Secretary of State corroborating the same, dated February 23, 1857, it appears that Mr. Beelen was, in the month of August, 1854, appointed secretary of legation to Chili, at a salary of $2,000 per annum, and that he repaired to his post at once, and continued in the performance of its duties up to January 1, 1857. That some time in September, 1855, he received the information from the State Department that under the construction of the act of March 1, 1855, "To remodel the diplomatic and consular systems of the United States," his salary would be reduced to $1,500 per annum from the 1st of July of that year. That the law reducing his salary thus had the effect of an *ex post facto* law upon him. That he is the only officer in the diplomatic service of the United States whose salary was reduced by the act above named; and he prays to be allowed the difference between $2,000 and $1,500, from July 1, 1855, when the act referred to went into effect, to January 1, 1857.

In the letter above referred to the Secretary of State acknowledges his inability to have informed Mr. Beelen of the contemplated reduction of his salary until long after that reduction took place, and recommends the case to the favorable consideration of the committee; which circumstance seems to have had some weight in the favorable action of two Senate Committees on Foreign Relations, those of the 34th and 35th Congresses, in behalf of Mr. Beelen, as may be seen by their reports, Nos. 432 and 8, accompanying bills S. Nos. 641 and 61, in which the committee concur.

The committee therefore think that, under the peculiar circumstances of the case, the petitioner is entitled to the allowance prayed for, and they report a bill accordingly, recommending its passage.

DEPARTMENT OF STATE,
Washington, February 23, 1857.

SIR: I have the honor to acknowledge the receipt of your letter of this date, enclosing the memorial of Frederick A. Beelen, for the difference of salary paid to him under the act of March 1, 1855, and that which he received prior to the 1st July, 1855, and which was provided by law for the secretary of legation at Santiago de Chile, when he was appointed to that post.

So far as Mr. Beelen's memorial refers to fact, officially known to this department, I have to acquaint you that his statements are strictly correct. It scarcely appears necessary, therefore, to add any "facts" to those which he has adduced in support of his claim. But as you desire the "views of the department in regard to it," I will remark that the reduction of Mr. Beelen's salary from $2,000 to $1,500 while he was at a remote capital, and in the actual discharge of his official duties, has always been regarded by this department as a case of peculiar hardship, which was aggravated by the fact that it was not in the power of the Secretary of State to inform Mr. Beelen of the construction placed by the Attorney General upon the law affecting his salary until *after* the law was in actual operation, of which fact Mr. Beelen could not, therefore, have been aware until from fifty to sixty days after the reduction of salary took place.

I herewith return Mr. Beelen's memorial, and have the honor to be, sir, &c., &c.

W. L. MARCY.

Hon. JOHN M. MASON,
Chairman of the Committee on Foreign Relations, Senate.

The foregoing is a true copy from the record.

W. HUNTER, *Chief Clerk.*

DEPARTMENT OF STATE, *December* 17, 1861.

THIRTY-FIFTH CONGRESS, FIRST SESSION.

Petition of Frederick A. Beelen, secretary of legation to Chile, praying to be allowed the difference between $1,500 per annum and $2,000, from July 1, 1855, to January 1, 1857, during which time he has held that situation.

FEBRUARY 21, 1857.—Referred to the Committee on Foreign Relations.
FEBRUARY 28, 1857.—Bill S. 641, and report.
JANUARY 11, 1858.—Referred to the Committee on Foreign Relations.
JANUARY 14, 1858.—Bill S. 61, and report.
MARCH 23, 1860.—Referred to the Committee on Foreign Affairs.
DECEMBER 9, 1861.—Referred to the Committee on Foreign Affairs.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The petition of the undersigned, secretary of legation of the United States to Santiago de Chile, respectfully showeth:

That in August, 1854, he was appointed to the post he has now the honor to hold, and that, in communicating his commission, the honorable Secretary of State informed him that his salary by law was to be at the rate of two thousand dollars per annum.

That under this representation, as to his salary, he went to the capital of Chile, and whilst there, in the actual discharge of his official duties, he received a communication from the honorable Secretary of State, *dated July* 3, 1855, in which he was informed that, under the construction given by the Attorney General to the act of March 1, 1855, "to remodel the diplomatic and consular systems of the United States," the salary of the secretary of legation at Santiago, *after the first day of July* aforesaid, would be only at the rate of $1,500 per annum; this announcement your memorialist did not receive until near the close of the fiscal quarter in which his salary was thus reduced, and whilst he was depending upon and living at the rate of his salary of $2,000 aforesaid, so that in effect this law was to your memorialist in the nature of an *ex post facto*, and was on that account of peculiar hardship and injustice.

Your memorialist also states that the lowest cost of reaching his post from the United States is $500, the same amount paid in returning home, makes a sum equal to two-thirds of the salary for a whole year.

Your memorialist avers, and respectfully invites attention to the fact, that he is the only officer in the diplomatic service of the government whose salary was reduced by the act referred to; this consideration will have greater force when it is remembered that Chile was at that time ranked as one of the *four* powers on this hemisphere to which a full minister was accredited by the United States, and that the secretary of legation at Lima was, by the same act which reduced the salary of your memorialist to $1,500, continued at $2,000,

although, in fact, Chile had been rated as a first class mission since 1849, while Peru was only elevated to that grade in 1853.

Your memorialist therefore prays your honorable bodies that he be allowed the difference between fifteen hundred dollars and two thousand dollars per annum, the latter being the salary attached *by law* to the office when he accepted it, from and after the 1st of July, 1855, to the 1st of January, 1857, when the act of 18th of August, 1856, went into operation, amounting to the sum of seven hundred and fifty dollars.

Your memorialist would respectfully suggest that the question of equity involved in this subject be submitted to the honorable the Secretary of State, whose intimate knowledge of the diplomatic service, of the expenses of living at the several capitals, and the cost of reaching them, would enable him to throw much light upon this petition. And your memorialist will ever pray.

FRED'K A. BEELEN,
Secretary Legation to Chile.

WASHINGTON CITY, *February* 19, 1857.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 42.

S. FERGUSON BEACH.

MARCH 3, 1862.—Laid on the table, and ordered to be printed.

Mr. DAWES from the Committee of Elections made the following

REPORT.

The Committee of Elections, to whom was referred the memorial of S. Ferguson Beach, praying to be admitted to a seat in this House as a representative from the seventh congressional district in Virginia, report:

That they have had the subject matter of said memorial under consideration, and find the following facts: This district is composed of the counties of Spottsylvania, Alexandria, Fairfax, Fauquier, Prince William, Rappahannock, Culpepper, Stafford, and King George, and the election, under which Mr. Beach claims the seat, was held on the 24th of October last, in pursuance of a proclamation of Governor Pierpont of October 12, 1861. The memorial may be found in Mis. Doc. No. 26, of the present session, and the following is a copy of the credentials of the memorialist:

The undersigned, conductor and commissioners of election, having been duly appointed and sworn, do hereby certify that they acted as such conductor and commissioners of election; that said election was held on the 24th day of October, 1861, at the court-house in Alexandria county, in the seventh congressional district of Virginia, pursuant to law, and that the following is a true statement of the vote as exhibited by the poll-book, viz: For member of Congress, Samuel Ferguson Beach received one hundred and thirty-eight votes, and Charles B. Shirley, for the same office, received eleven votes; and we further certify that there were no other polls of election held at any other precinct in said county of Alexandria, nor in any other of the counties of this congressional district, as far as we can learn and believe, and that all the other counties of this congressional district are and were, at the time of said election, included within the lines of of the rebel army; and we therefore further certify that said Samuel Ferguson Beach was, by a majority of all the votes polled in this con-

gressional district, duly elected a member of Congress of the United States.

Given under our hands this first day of November, 1861.

WALTER L. PENN,
Conductor.

JAMES VANSANT,
T. A. STOUTENBURGH,
Commissioners.

His Excellency FRANCIS H. PIERPONT,
Governor of the State of Virginia.

This election is based upon the same authority and was conducted in the same manner as that of Joseph Segar, who claimed a seat in this House as the representative from the first district in Virginia. The views and conclusions of the committee in that case having been submitted to the House, (Report No. 12 of the present session,) and received its sanction, form a precedent in this case, and will therefore be embodied in this report as far as applicable.

A convention assembled at Wheeling, in the State of Virginia, on the 11th of June last, in which were represented, it is believed, thirty-nine counties of the State, situate in what is known as Western Virginia. This convention adopted on the 19th of June "an ordinance for the reorganization of the State government." After having declared that, because of the treasonable practices and purposes of the State convention lately held in Richmond, and of the executive of the State in connexion therewith, "the offices of all who adhere to the said convention and executive, whether legislative, executive or judicial, are vacated." By the same ordinance a legislature, or general assembly, for the State of Virginia was created, and required to "assemble in the city of Wheeling on the first day of July, and proceed to organize themselves as prescribed by existing laws in their respective branches." Said convention subsequently elected a governor for the State of Virginia, who still holds the office thus conferred upon him.

The legislature thus created assembled as required, and passed many enactments for the whole State of Virginia, elected two United States senators, who were admitted to seats in the Senate, and assumed all the functions of the general assembly of Virginia under its pre-existing constitution and laws. The convention which created and set in motion this new government did not, however, dissolve itself upon the assumption of the several functions of government by the executive officers and general assembly which, in the exercise of provisional powers, it had itself brought into being, but continued to hold its meetings after the assembling of the legislature, and to share with it in ordinary legislation for the whole State. The legislature was in session till the 24th of July, and how much longer the committee are not informed. The convention was in session on the 20th of August, and on that day passed an ordinance providing for the election of representives in Congress in each district where, from any cause, such election was not held on the fourth Thursday in May

last, the day provided by law for such election, and also "in the eleventh district, where a vacancy now exists, an election for such representative shall be held on the fourth Tuesday in October next, which shall be conducted, and the result ascertained, declared, and certified in the manner directed in the second edition of the Code of Virginia." The governor thereupon, on the 12th day of October, issued the following proclamation:

THE COMMONWEALTH OF VIRGINIA.

EXECUTIVE DEPARTMENT,
Wheeling, October 12, 1861.

To the people of Virginia:

Whereas several of the congressional districts of this State are unrepresented in the House of Representatives in the Congress of the United States, by reason of failure to elect on the fourth Thursday in May last, caused by armed men in rebellion against the Constitution and laws of the United States and of this State; and it being the right of the loyal inhabitants in each district to be represented in said House by a representative of their own appointing, the convention of Virginia, on the 20th day of August, 1861, passed an ordinance directing an election to be held on the fourth Thursday in October instant, (24th,) in every district of the State so unrepresented and where vacancies exist. It is further made the law, by virtue of the ordinance aforesaid, that any person who is prevented from attending such election, by reason of the occupation of his own county by armed men in hostility to the government, that such voter may vote anywhere in his congressional district. It is further ordained that the election shall be conducted, and the result ascertained, declared, and certified, in the manner directed in the Code of Virginia of the edition of 1860. By the 11th section of chapter 7th of that code any two freeholders may hold an election directed by law at any place of voting, if no commissioner to superintend the same appears and is willing to act, or if no commissioners have been appointed to hold the election.

Now, therefore, in consideration of the premises, I, Francis H. Pierpont, governor of the Commonwealth of Virginia, do hereby entreat the loyal voters of this State to hold elections in their several districts on the day above mentioned, to the end that the people may be represented, the principle of representative government sustained, and the State have her due weight in the national legislature.

F. H. PIERPONT.

This proclamation applies in terms to districts unrepresented "by reason of failure to elect on the fourth Thursday of May last." There was, however, at the time this election was held, a gentleman, Hon. C. H. Upton, representing this district in the present Congress under an alleged election upon said fourth Thursday of May last. But as the House has since declared Mr. Upton not entitled to the seat, it

may, with propriety, be held to come within the terms of the proclamation.

It is not claimed by the memorialist that any poll was opened at any other precinct or voting place in the whole district, except in the city of Alexandria; but he asserts that the ballot-box knows no quorum, and that the number of votes cast is not a legitimate inquiry beyond the necessity of ascertaining for whom a majority was given. If the votes are cast according to law, and legal votes, then it matters not whether they be few or many. The committee have been led to apply the rule, thus set up by the claimant, as the only test. Were the votes cast at this election so cast in conformity to the existing laws of the State of Virginia?

The whole authority for this election is the ordinance of the Wheeling convention passed August 20. Assuming that the proceedings of that convention, and of the legislature and executive created by it, have ripened into a State government, legal in all respects, still the question arises, was it one of the functions of that convention to provide for the time, place, and manner of electing representatives in Congress, especially after the legislature had assembled? The purpose of that convention was the creation of a new State government. The only basis upon which it rests is necessity.

A new government must begin somewhere, and there must be somebody to make it. As necessity was the foundation, so also it was the limit of the power called into being for the sole purpose of inaugurating a new government. It could do anything necessary to carry out that purpose, and when that was done it could do no more. Its functions ceased the moment the new government took on form and life. The two cannot, in the nature of things, exist and move *pari passu*. Now, long before this ordinance had passed the convention, there was in existence a governor and a legislature, having all the powers that a governor and legislature could have in Virginia—that is, all the powers which the constitution of Virginia clothes a governor and legislature with, not in conflict with the Constitution of the United States.

Now, this latter instrument provides (art. 1, sec, 4) that "the times, places, and manner of holding elections for senators and representatives shall be prescribed in each State by the *legislatures thereof*." It is a legislative act. It is a *law*. If the time had been fixed in the constitution of the State, recognized and acquiesced in by the legislature, it may be said to be the act of the law-making power—a legislative act. But this time and manner were not fixed in the organic act, nor by the legislature, but by the convention assuming legislative functions in the presence of the legislature itself.

Again: the ordinance itself proposes to conform this election to the code of Virginia. It "shall be conducted, and the result ascertained, declared, and certified in the manner directed in the second edition of the Code of Virginia." Has the election under consideration been conducted in all respects according to the requirements of the Virginia code? Title 3, chapter 7, section 14 of that code provides for elections to fill vacancies in Congress, and enacts that they "shall be

superintended and held by the same officers, under the same penalties, and subject to the same regulations as are prescribed for the general elections." Section 16 of the same chapter provides that "a *writ* of election shall be directed to the sheriff or sergeant of the county or corporation for which the election is to be held; or if the election is to be held for an election district, or to fill a vacancy in the Senate or in Congress, to the several sheriffs and sergeants of the counties and corporations which, or any parts of which, are included in the district. It shall prescribe the day of election, (to be the same throughout the district,) and may fix a day on which the officers conducting the election are to meet to make returns, not later than that fixed by law in the case of a regular election."

Now in the present case there is nothing which answers to a *writ of election*. The only paper originating this election is the proclamation of the governor of October 12, already copied into this report. This proclamation can be considered in no sense a writ of election. It commands nobody—no authorized officer to hold an election. It only "entreats the loyal voters" to hold an election, and is addressed not to sheriffs," &c., but "to the people of Virginia." This is no technical defect. The 17th section of the same chapter of the Code provides something for the several officers to whom the writ is directed to do before the election can be held. That section is in these words:

"Each officer to whom a writ of election is directed shall at least ten days before such election give notice thereof, and of the time of the election, by advertisement at each place of voting in his county or corporation."

The reason of this enactment is manifest. The law, which all are presumed to know, fixes the time of a general election, but does not fix the time of holding a special election. It is done by the governor in his "writ of election," directed to the sheriff. This provision of law is necessary to insure notoriety, and it is made the duty of the sheriff, to whom the writ is directed, to do it in a particular manner. Now, this proclamation, if a writ, is directed to no sheriff. It commands nobody to give the notice or to open the polls required by law. It only "entreats the loyal voters of this State to hold elections in their several districts on the day above mentioned."

Not only was there no poll opened in any precinct in the district, except in the city of Alexandria, but no notice of this election was ever given, by advertisement or otherwise, at any other precinct. Indeed, all attempt at giving notice or opening a poll at any other precinct was an impossibility. The whole district was in the possession of armed men, with the exception of the city of Alexandria and a very small portion of the district in the immediate vicinity of the Potomac. All the rest of the district was in the armed occupation of the rebels, and all lawful authority subverted. To advertise or open a poll would have surely secured an arrest for treason by the rebels, and an attempt to cast a vote would have incurred the same penalty. That small portion of the district not in possession of the rebels at that time, was occupied by our own troops and subject to the law of

the camp alone. Outside of the city of Alexandria there was not a single officer of the law to discharge any of the functions of his office. There was, then, a total failure to comply with these essential provisions of the law of Virginia. The same Code requires (title 3, chapter 8, section 3) the officers conducting this election to meet at the court-house, in the county of Alexandria, on the *fifteenth* day thereafter, to compare the returns and declare elected the person having the greatest number of votes in the whole district. This has never been done, and of what was done in the whole district the committee have no official evidence, and only know there were no other votes by knowing that voting elsewhere was an impossibility. By the eleventh section of the same chapter return is to be made to the governor, and he is to make proclamation of the person elected within sixty days. There has been no such proclamation in this case.

It is apparent, from what has been already said, that if the claim of the memorialist rests exclusively upon a strict conformity with all the provisions of law it cannot be maintained.

But the committee do not desire to rest their conclusions upon so narrow a basis. If the Union voters of the district had had an opportunity to choose a representative—if there had been no armed occupation of the district by rebels, so that polls could have been opened at the various voting places in the district, and all who desired could have deposited their ballots, and had done so in conformity with the provisions of law, so far as the disturbed and abnormal condition of things would permit, the committee would have sought some way to give effect to such election. But enough of the facts surrounding this election have already been stated to show that such is not the case. There was but one single poll in the whole district opened, and but one hundred and forty-nine votes cast. The reason why there were no other polls opened or more votes cast cannot be better expressed than by the three freeholders themselves who certify to this election. This is their language :

"And we further certify that there were no other polls of election held at any other precinct in said county of Alexandria, nor in any other of the counties of this congressional district, as far as we can learn and believe; and that all the other counties of this congressional district are, and were at the time of said election, included within the lines of the rebel army."

This state of things is no fault of the memorialist or the Union voters of the district; but it did exist on the day of this election. How can it be made to appear, then, that the memorialist is the choice of the district, or that if an opportunity had existed an overwhelming majority of votes would not have been cast against him? In what sense can it be said that those who did not vote are to be presumed to acquiesce, when they neither had the opportunity to vote, nor the knowledge that voting was going on? Acquiescence presumes liberty to protest. In this instance that liberty did not exist.

In conclusion, the committee are, for the foregoing reasons, of opinion that the memorialist was not, by virtue of the votes cast for him in the city of Alexandria on the 24th of October last, elected a

representative to this Congress from the seventh district in Virginia, and they accordingly recommend the adoption of the following resolution :

Resolved, That S. Ferguson Beach is not entitled to a seat in this House as a representative in the 37th Congress from the seventh congressional district in Virginia.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 43.

NATIONAL ARMORY.

[To accompany H. Res. No. 42]

FEBRUARY 28, 1862.—Ordered to be printed.

Mr. MOORHEAD, from the select committee on national armories, made the following

REPORT.

The special committee appointed to inquire into and report upon the expediency of establishing a national armory west of the Alleghany mountains have given this important subject careful consideration, and beg leave to present the following report:

Your committee find that this subject has frequently been brought to the attention of Congress, and has uniformly been considered with favor. Bills have been passed authorizing the location of an armory west of the Allegheny mountains, and commissioners appointed to select a location, by whom extensive examinations of sites and elaborate reports thereupon have been made, yet thus far without definite result. Recent events have given the subject a commanding importance not before possessed, and have demonstrated its absolute necessity.

When this traitorous rebellion broke out, in response to the President's call patriotic citizens by many thousands rushed to the field in defence of the flag, the honor, and the institutions of their country; the fearful effect of congressional inaction on this subject was fully realized, and with humiliating mortification felt by every American citizen.

It was found that, as a consequence of the want of foresight in affording means for the manufacture of a sufficient supply of arms, and of the treachery of John B. Floyd, late Secretary of War, in removing from reach a large proportion of those on hand, it was not possible for the government at once to arm its soldiers. Weeks and months passed before this serious difficulty could be removed, and before the soldiers of this great nation, abounding as it does in infinite and diversified resources for the production of all warlike munitions, could be placed on proper footing to meet the enemy on sea and land. This delay was not only humiliating and grievously expensive, but gave the enemy needed time and opportunity to fortify and strengthen their positions, from which their dislodgment now involved a conflict

more severe and bloody than would otherwise have been required. If previous Congresses have thus failed to prepare the government for contingencies which a wise statesmanship would have anticipated and prevented, it has been against the advice and warning of those whose weighty words should have been more respectfully regarded.

In his first message to Congress, General Washington used this language: "Among the many interesting objects which will engage your attention, that of providing for the common defence will merit particular regard. *To be prepared for war is one of the most effectual means of preserving peace.* A free people ought not only to be armed but disciplined; to which end a uniform and well digested plan is requisite; and their safety and interest require that they should promote such manufactories as tend to render them independent of others for essential, particularly for military supplies." Had this suggestion been adopted, and effective means been taken in the direction indicated, many millions of dollars would have been saved; for the government, in its efforts, in the hour of imminent danger, to supply its wants, became the victim of both the foreign and domestic speculator. Many foreign arms were purchased which are without real value, and many arms purchased at home were bought at prices largely in excess of the cost of manufacture, while an inevitable delay magnified the evils which have been merely suggested—difficulties which no citizen should be willing, under any circumstances, to see again embarrassing the government. Expensive as the lesson has been, it may prove of great value, if it should stimulate to a determined purpose to avoid previous mistakes and cure evils which brought disaster upon us.

Upon the recommendation of General Washington the national armory at Springfield, Massachusetts, was established in 1794. Shortly after, another was established at Harper's Ferry, Virginia. Both received the generous care of the government until the latter was destroyed, in April last, to prevent its falling into the hands of the enemy.

At these establishments, arms of the best quality have been made. All the parts were interchangeable, so that a rifle made at one was a counterpart of that made at the other. By this means a useful and laudable rivalry sprang up, resulting in the best possible production. The inadequacy of these establishments, excellent and well managed as they were, to fill the wants of the government, was perceived as early as 1823, when, on the 3d of March of that year, Congress passed an act entitled "An act to establish a national armory on the western waters." Under the provisions of this act a commission was appointed to examine sites, consisting of Colonels Wm. McRee, Roswell Lee, and Major George Talcott, who made very extensive examinations for sites; and after nearly two years their report, which is an able and very elaborate one, was made to Congress.

In this report estimates of the cost of sites, buildings, facili-

ties and advantages of a large number of points are set forth; amongst them the following comparative statements:

	Cost of site and buildings.	Cost of transportation from Pittsburg ann'ly.
Pittsburg	$225, 989	.....
Beaver	279, 849	$2, 693
Zanesville	312, 973	3, 697
Falls of Ohio, Jefferson	321, 184	5, 922
Falls of Ohio, Louisville	505, 067	5, 922
North Bend	374, 572	4, 974
Narrows of Harpeth	357, 940	8, 087
Cypress creek, Alabama	232, 365	8, 764
Ohio Pyle falls	204, 699	.....

In this report they gave the preference to Beaver falls or Pittsburg as the proper site for the armory, making Pittsburg, as will be seen by the foregoing table, the minimum place for cost of material, and adding to other points the expense of transportation from Pittsburg annually.

Congress having failed to affirm the action of the commissioners, Mr. Van Buren, in his annual message of 1837, thus calls attention to it:

"The erection of a national foundery for cannon, to be common to the service of the army and navy of the United States, has been heretofore recommended, and appears to be required, in order to place our ordnance on an equal footing with that of other countries, and to enable that branch of the service to control the prices of those articles and graduate the supplies to the wants of the government, as well as to regulate their quality and insure their uniformity. The same reasons induce me to recommend the erection of a manufactory of gunpowder, to be under the direction of the Ordnance office. The establishment of a manufactory of small arms west of the Allegheny mountains, upon the plan proposed by the Secretary of War, will contribute to extend throughout that country the improvements which exist in establishments of a similar description in the Atlantic States, and tend to a much more economical distribution of the armament required in the western portion of our Union."

Immediately after the delivery of this message, which was December 5, 1837, Congress ordered the report of Messrs. McRee, Lee, and Talcott, to be reprinted.

At other periods in the interval between 1790 and 1846 reports were made in favor of a western armory. Amongst them may be found the following:

1834, March 18—Hon. R. M. Johnson, of Kentucky.
1836, February 24—Hon. R. M. Johnson, of Kentucky.
1839, January 12—Hon. W. Cost Johnson, of Maryland.
1844, April 17—Hon. J. J. Hardin, of Kentucky.
1846, March 27—Hon. Mr. Yell, of Arkansas.

On the 9th of September, 1841, Congress authorized the President to appoint a commission "for the purpose of selecting a suitable site on the western waters for the erection of a national armory.

The board was constituted as follows, viz: Brigadier General Armistead, Surgeon General Lawson, and Lieutenant Colonel Long, who reported January 28, 1843.

They examined and reported upon forty-eight different sites, giving the preference to Fort Massac, on the Ohio river, on account of its *centrality*.

Your committee have thus traced the action taken upon this subject during the last forty years, and although no establishment has yet been erected west of the Allegheny mountains, yet it will appear from this retrospect that the project has been a favorite one, and has never been lost sight of. The necessity for action now is imperative. The destruction of one armory leaves the other without the stimulus of honorable competition; and besides, the wants of the government, as recently developed, show that at least two additional would be required to place our country in a proper condition for defence.

The increase of population west of the Allegheny mountains is without a parallel anywhere. No national establishments of any importance exist there; and whilst her citizens are fighting the battles of the country, paying their portion of the taxes, and furnishing the larger portion of the national subsistence, it would be unjust to deny their claim to a proportion of the bounty of the government, especially as they have superior facilities in such profusion for the manufacture of cannon and small arms.

The following table and statements, prepared by the Hon. Isaac N. Arnold, chairman of the committee on lake defences, illustrates the wondrous growth and vast proportions of the northwest:

"The following table shows the population and area of the northwest in 1850 and 1860. The table of population in 1850 is copied from the Compendium of the United States Census of 1850, page 40; the table of areas, from the same documents, page 36; the table of population in 1860, from census returns:

States.	Population in 1850.	Population in 1860.	Area, in square miles.	Per cent. of increase in population.
Ohio	1,980,329	2,339,599	39,964	18.14
Indiana	988,416	1,350,479	33,809	36.63
Illinois	851,470	1,711,753	55,405	101.03
Michigan	397,654	749,112	56,243	88.38
Wisconsin	305,391	775,873	53,924	154.00
Iowa	192,214	674,948	50,914	251.14
Minnesota	6,077	162,022	34,591	2565.65
Missouri	682,044	1,173,317	67,380	.72
Kansas	.....	107,110	114,798	.....
Nebraska	.....	28,842	335,882	.....
Total	5,403,595	9,073,055 5,403,595	842,910	67.9
Increase in 10 years	.....	3,669,460		

It is estimated that of this increase 1,329,066 is the natural increment; the balance, 2,340,394, by emigration—the northwest filling up with the hardy, industrial classes coming hither from Europe and the older States.

Population of the United States in 1850, 23,191,876; in 1860, 31,429,891—increase, 35.52 per cent.

The increase of the population of the northwest during the last ten years has been 67.9 per cent., while the ratio of increase in the whole country has been 35.52. The population of the northwest by census of 1860 was 28.85 per cent., or nearly one-third. Of the total increase in the population of the country, 44.67 per cent. was in the northwest alone. An increase at the same ratio during the present decade will give the northwest in 1870 a population of 15,212,622—an increase of 6,139,567. Massachusetts, the most densely populated of all the States, has 157.8 inhabitants to the square mile. A like density of population in the northwest would give us a population of 133,011,198. A density of population equal to that of England (332 per square mile) would give an enumeration of 279,846,120."

The growth of western Pennsylvania, western Virginia, Kentucky and Tennessee—all a part of the valley of the Mississippi—whilst in all respects not so marked as that of the States named, has, nevertheless, been large in population, and vast in the wealth arising from the development of their mineral and other resources. From the rapid strides making in population and wealth, their just claims to the protection of the government must be admitted ; and whilst the erection of another armory, located west of the Allegheny mountains, would, in a measure, meet that demand, it would also guard against the casualties of fire and foreign foe, to both of which the Springfield armory is exposed.

The north, outside her armies now in the field, is at present disarmed ; and in the event of war with England or France would have nothing but her half-mounted seaboard fortifications to roll back the tide of invasion. Springfield would, we fear, be one of the earliest trophies of the enemy.

It will require many years of two armories, with the present capacity of Springfield, to provide the government with arms sufficient to place one in the hands of every able-bodied citizen between the ages of eighteen and forty-five, and this should be done at the earliest possible period.

This basis would require, in round numbers, about four millions stand of arms, and when accomplished it would require more than the full capacity of both in time of war, and more than half the capacity of each in time of peace, to keep up the loss and deterioration, which is estimated by military men at ten to fifteen per cent. in time of peace, and twenty-five to forty in time of war.

The low price and superior quality of fuel, iron, steel, and black walnut timber for gun-stocks, all of which enter into the fabrication of arms, compared with points where these materials have to be

transported at great expense, justify the belief that in a single decade an amount sufficient to establish a western armory will be saved to the government.

In a report made by Hon. Cost Johnston on this subject in 1839, to be found in report No. 168, second session 25th Congress, we find the following, viz:

"By a report made to Parliament in 1817, it appears that besides the great number of field trains furnished the allies, the number of small arms furnished by Great Britain to the allies and to the national troops from 1803 to 1816, inclusive, were—

To the allies	2,143,643
To the regular troops	349,882
To the regular militia	59,405
To the local militia	151,969
To the volunteers	307,583
To the navy	215,233
Total	3,227,715

"By the report of the minister of war it appears that the fire-arms fabricated in the manufactories of the French government and made disposable for service, from 1803 to 1814, were no less than 3,956,257.

"To show how necessary it was to have a superabundant supply of arms in readiness, it is said the English lost at one blow 60,000 muskets, and 100,000 more were lost by a single shipwreck."

CANNON.

During the sessions of your committee, various resolutions relating to the establishment of founderies and arsenals were referred to them, thereby enlarging their powers. Many letters have also been received by your chairman and others of the committee from citizens of Boston, New York, and Philadelphia, as well as western cities, urging that measures be taken to create a supply of cannon necessary for the proper defence of the nation.

The great want existing in this branch of the national defences is best shown by the following figures:

The total number in forts and arsenals December, 31, 1861, was	3,088
Of which there were in forts	2,156
Of which there were at arsenals	932

From information furnished by the ordnance department it appears that 5,752 cannon are still needed to complete the armament of the permanent fortifications on the sea-coast. Of these, 4,638 are 8 and 10 inch guns, weighing from 8,500 to 15,000 lbs. each; showing a want for that branch of the public service of double the number of cannon now on hand. This, it must be borne in mind, is exclusive of the number which will be required by the increase of the navy, the fortifications for the lakes, and other defences which may be rendered necessary.

How far the calculations of peace fall short of the actual demands of war is strikingly exhibited by the statements made by Colonel Delafield, in his report on "The Art of War in Europe in 1854, 1855, and 1856," who states that, when it was found that the English fleet could not reduce Sebastopol, and that the army could not, without heavy guns of long range for hot shot, one of the ministry announced to the English Parliament that a train of *twenty-nine* pieces had been sent out. The result showed that they actually had to use and put in battery 911 guns in the English trenches alone, of which only 250 were serviceable at the end of the siege; and on the part of the French *sixty guns were supposed* to be sufficient, while they actually used 1,676; showing that there were *required* 2,587 *guns for service for which it was at first supposed* 89 *would be sufficient.* At the same siege 2,381,042 shot and shell were used. It will not fail to be noticed that the entire number of guns reported by the ordnance department as in all the forts and arsenals of the United States on the 31st of December, 1861, is but one-fifth more than the entire number used by the allies in that one campaign, and that it is out of our power properly to remount our sea-coast defences; nor does the estimate of 5,732 cannon, required to complete the armament of our sea-coast fortifications, allow a supply for remounting or replacing such loss as the experience of the allies at Sebastopol shows us must be expected. As an illustration of the importance of having large reserve supplies of guns, it may be stated, on the authority of Colonel Delafield, that at one of the Russian batteries, mounting four pieces, twelve guns were disabled—it having been thrice remounted.

The committee recommend the early establishment of one armory and two founderies as essential to national security. They also recommend an arsenal for manufacture, repair, and distribution in the west. With regard to the location of these establishments, your committee have heard the claims of nearly thirty competing places, and have concluded, upon full consideration, to recommend to Congress the constitution of a commission to examine the subject and report the most suitable locations to the Secretary of War.

They also recommend that the memorials and documents laid before the committee, together with the reply of General McClellan to their inquiries, and other letters and statements bearing upon the subject, be printed as an appendix to this report.

It will be seen by the statement from the Ordnance bureau that a large number of arms have been contracted for, both foreign and domestic. Of the former, the statement says about half the contracts may be abrogated, as the arms have not been delivered according to contract. The same will probably prove true of the latter if the government desires to limit the quantity, and the inexorable demands of war do not render the entire delivery necessary.

They therefore report and recommend the adoption of the subjoined resolution.

JOINT RESOLUTION.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be established within the United States one national foundery east of the Allegheny mountains, and also one national foundery, one national armory, and one manufacturing arsenal west of the Allegheny mountains and in the valley of the Ohio and Mississippi; and that to that end a commission of five citizens be appointed by the President to locate said founderies, armories, and arsenal, who shall within sixty days from the time of their appointment report to the Secretary of War, and that the Secretary of War, upon the incoming of the report of said commission, shall report the same to Congress, together with an estimate of the amount necessary to the establishment of said founderies, armory, and arsenal, and that there be appropriated for the expenses of said commission the sum of five thousand dollars.

HEADQUARTERS OF THE ARMY,
Washington, February 5, 1862.

SIR: I have the honor to acknowledge the receipt of your letter of the 3d, accompanying copy of a resolution of the committee on national armory and foundery.

I beg to state, in reply, that it is my opinion that the interests of the country demand the establishment of a national armory west of the Alleghany mountains, in addition to that now in operation at Springfield, Massachusetts. If but one national foundery should be established, it would probably be more advantageous to locate it near the sea-coast, for the reason that the great mass of heavy guns for the army and navy are required there, and that it is cheaper to transport the pig iron thither than the guns. If two founderies are established, I think one should be established west of the mountains, to supply the lakes and the gulf coast.

I am, sir, very respectfully, your obedient servant,

GEO. B. McCLELLAN,
Major General Commanding.

Hon. J. K. MOORHEAD,
Chairman Special Committee.

WAR DEPARTMENT,
Washington City, D. C., February 10, 1862.

SIR: In answer to your communication of the 15th ultimo, respecting the number and kind of arms, cannon included, now in possession of the government, &c., I have the honor to enclose to you a report

of the chief of ordnance covering statements in answer to your inquiries.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. J. K. MOORHEAD,
Chairman, &c., House of Representatives.

ORDNANCE OFFICE,
Washington, February 8, 1862.

SIR: I have the honor to submit herewith the statements requested in a resolution of the special committee on the establishment of a national armory, which was referred to this office on the 24th ultimo.

For a more full statement of details of contracts for arms, I respectfully refer to the answer to the resolution of the House of Representatives which I submitted to you on the 24th ultimo.

The resolution of the committee is herewith returned.

Respectfully, I am your obedient servant,

JAS. W. RIPLEY,
Brigadier General.

Hon. E. M. STANTON,
Secretary of War.

Statement of the number and kind of arms contracted for, to be delivered in the future, and when such delivery is to be made.

MUSKETS AND RIFLES OF AMERICAN MANUFACTURE.

Springfield rifle muskets	1,089,000
Breech-loading and other rifles	50,930
Total number contracted for	1,139,930
Delivered on these contracts, up to December 31, 1861	1,506
Remain to be delivered	1,138,424

Stipulated periods of delivery:	Number.
From March, 1862, to December, 1862	10,000
From January, 1862, to February, 1863	25,000
From January, 1862, to March, 1863	25,000
From April, 1862, to March, 1863	18,000
From May, 1862, to April, 1863	61,000
From January, 1862, to July, 1863	100,000
From May, 1862, to August, 1863	30,000

From January, 1862, to October, 1863	50,000
From July, 1862, to October, 1863	795,000
From April, 1862, to November, 1863	10,000
Dates of delivery not specified	15,930
Total number contracted for	1,139,930

The contracts for American arms are generally of similar form to one of the annexed copies. The earlier contracts are in the form of that dated July 5, 1861; and those of later date, which comprise three-fourths of the whole number contracted for, are similar to that dated December 24, 1861.

Statement of the number and kind of arms contracted for, to be delivered in the future, and when such delivery is to be made.

MUSKETS AND RIFLES OF FOREIGN MANUFACTURE.

English Enfield rifles	290,000
Other foreign muskets and rifles	184,000
Total number contracted for	474,000
Delivered on these contracts, up to December 31, 1861	29,221
Remain to be delivered	444,779

Stipulated periods of delivery:	Number.
From December, 1861, to February, 1862	5,000
From September, 1861, to April, 1862	75,000
From December, 1861, to April, 1862	20,000
From August, 1861, to May, 1862	10,000
From September, 1861, to May, 1862	17,000
From January, 1862, to May, 1862	20,000
From November, 1861, to June, 1862	10,000
From January, 1862, to June, 1862	25,000
From June, 1861, to June, 1862	40,000
From January, 1862, to July, 1862	26,000
Dates of delivery not specified	10,000
Dates of completing delivery now passed	216,000
Total number contracted for	474,000

About one-half of the contracts for foreign arms may be abrogated, because of failure to deliver within the periods specified. The periods of delivery for the remaining portion of these arms will expire in a few months, and it is considered probable that a large part of them will remain undelivered when the date of limitation expires.

Statement of the number and kind of arms contracted for, to be delivered in the future, and when such delivery is to be made.

CARBINES.

Of American manufacture	54,900
Of foreign manufacture	16,000
Total number of carbines contracted for	70,900
Delivered on these contracts, December 31, 1861	6,971
Remain to be delivered	63,929
Stipulated periods of delivery:	
From September, 1861, to June, 1862	22,500
From October, 1861, to August, 1862	5,000
From February, 1862, to December, 1862	10,000
From April, 1862, to November, 1863	10,000
Dates of completing delivery now passed	23,400
Total number contracted for	70,900

PISTOLS.

American manufacture	64,500
Delivered up to December 31, 1861	16,547
Remain to be delivered	47,953
Stipulated periods of delivery:	
From October, 1861, to February, 1862	5,000
From October, 1861, to May, 1862	30,000
From March, 1862, to July, 1862	5,000
From October, 1861, to August, 1862	12,000
Dates of completing delivery now passed	12,500
Total number of pistols contracted for	64,500

Statement of the number and kind of arms contracted for, to be delivered in the future, and when such delivery is to be made.

SABRES AND SWORDS.

Of American manufacture	84,500
Of foreign manufacture	30,000
Total number contracted for	114,500
Delivered up to December 31, 1861	24,815
Remain to be delivered	89,685

Stipulated periods of delivery:	
From October, 1861, to February, 1862	20,000
From October, 1861, to March, 1862	20,000
From March, 1862, to July, 1862	10,000
Dates of delivery not specified	42,500
Dates of completing delivery now passed	22,000
Total number contracted for	114,500

Recapitulation.

Muskets and rifles—American	1,139,930	
Foreign	474,000	
		1,613,930
Carbines—American	54,900	
Foreign	16,000	
		70,900
Pistols—American	64,500	
Foreign	.....	
		64,500
Sabres and swords—American	84,500	
Foreign	30,000	
		114,500

Summary statement of arms on hand, procured, and supplied to troops in service.

	Muskets and rifles.	Carbines.	Pistols.	Sabres and swords.
On hand. In store at the arsenals in the loyal States on the 4th of March, 1861, (not including arms in possession of the troops at that date)	437,433	4,076	27,192	16,933
Procured since up to December 31, 1861, *viz:*				
Manufactured at the national armory, Springfield	40,972	.....	.....	.....
Procured by open purchase in the market	236,167	14,180	19,422	63,718
Received from contractors	30,727	6,971	16,547	24,815
Total on hand March 4, 1861, and since procured	745,299	25,227	63,161	105,466
Issued to the army from March 4 to December 31, 1861	623,693	18,589	45,471	74,613
Remaining in store at the arsenals December 31, 1861	121,606	6,638	17,690	30,853

The number of arms in possession of the troops is not accurately known, as full returns, of recent dates, have not been received from all parts of the army. It may, however, be safely assumed that it is equal, at least, to the number above stated as having been issued to the army from March 4 to December 31, 1861.

Rifle muskets manufactured at the national armory.

1861.	
January	700
February	900
March	1,200
April	1,200
May	2,000
June	3,000
July	3,000
August	4,002
September	4,100
October	6,900
November	7,170
December	8,400
1862, January	10,000

It is estimated that the product of arms at the national armory will be increased to 15,000 in March or April next, and that the entire product of the armory during the year 1862 will amount to 170,000.

Statement of cannon on hand at the forts and arsenals in the loyal States on December 31, 1861.

	In forts.	At arsenals	Total.
15-inch columbiads	----------	1	1
12-inch columbiads	----------	2	2
10-inch columbiads	50	85	135
8-inch columbiads	269	65	334
8-inch sea-coast howitzers	65	21	86
8-inch siege howitzers	----------	13	13
24-pounder howitzers	227	16	243
42-pounder cannon	164	229	393
32-pounder cannon	697	217	914
24-pounder cannon	424	153	577
18 pounder cannon	37	34	71
12-pounder cannon	52	36	88
13-inch sea-coast mortars	21	2	23
10-inch sea-coast mortars	96	18	114
10-inch siege mortars	36	33	69
8-inch siege mortars	18	7	25
Total	2,156	932	3,088

Contracts have been offered to the cannon founders for all the eight and ten inch columbiads they can make during the year 1862: and, from the replies accepting these offers, it is estimated that from twelve to fifteen hundred will be furnished during the present year.

Samuel Colt's contract for the manufacture of 25,000 *muskets.*

This agreement, made this fifth day of July, eighteen hundred and sixty-one, between Brevet Brigadier General James W. Ripley, of the United States army, acting by authority of the Secretary of War, and the Colt's Patent Fire-arms Manufacturing Company, by their president, Samuel Colt, witnesseth:

1st. The said company binds itself and its assigns to deliver to such officers of the United States as may be authorized to receive them twenty-five thousand (25,000) muskets of the exact pattern of the muskets made at the United States armory in Springfield, according to sample to be furnished to the contracting party, all and each of the said twenty-five thousand muskets to interchange in their similar parts with each other, and with the Springfield muskets, and to be subject, before receipt or payment therefor by the United States, to the same kind and degree of inspection by United States inspectors appointed for the purpose, as the muskets made at the Springfield armory are subjected to; and any of the aforesaid muskets to be delivered by the said company, under this agreement, which do not in all respects and particulars of pattern, material, workmanship, and finish, come up to the standard of excellence, as established at the United States armory, which is to be determined and decided by the United States inspectors, shall be rejected

2d. The said company does further bind itself and its assigns to manufacture and have ready for inspection and delivery to the United States the aforesaid twenty-five thousand muskets not later than the following periods, namely: one thousand muskets not later than six months from the date of this agreement, and not less than one thousand muskets per month for the next three months, and not less than two thousand muskets for each and every month thereafter until the whole twenty-five thousand muskets shall have been delivered, with the distinct understanding that each or all of these deliveries must be made in as much shorter time as possible, and that on any failure to make deliveries to the extent and within the times above specified, all the obligations of the United States to receive or pay for any muskets then deliverable under this agreement shall be cancelled, and become null and void.

3d. The said company does further bind itself and its assigns to deliver, with the aforesaid twenty-five thousand muskets, the following appendages of the regular patterns, subject to the same inspection as the muskets, namely: one wiper, one screw-driver, one spare cone, and one tompion to each musket, and one ball-screw, one spring vise, and one tumbler and wire punch to every ten muskets, and also

to be put up in good boxes, to be provided by the company, of the regular patterns and quality, the aforesaid muskets twenty in each box, with their due proportion of appendages.

4th. It is expressly understood and agreed between the parties to this agreement, before named, that payments shall be made to the said company, or its order, on the receipt at the Ordnance office, in Washington, D. C., of certificates of inspection and evidences of delivery of not less than one thousand muskets with appendages at the following rates, namely: twenty dollars for each musket and set of appendages, inclusive, and such price in addition for each packing box as may be certified by the inspector to be just and fair.

5th. It is further understood and agreed that no member of Congress shall be admitted to any share or part of this agreement, or to any benefit to arise therefrom.

In witness whereof, the parties to this agreement have hereunto set their hands and affixed their seals—the said James W. Ripley, at the city of Washington, on the fifth day of July, one thousand eight hundred and sixty-one, and the said Samuel Colt, at the city of Hartford, Connecticut, the eighth day of the same month and year.

JAS. W. RIPLEY,
Brevet Brigadier General.

Witness to the signature of Jas. W. Ripley—
WM. MAYNADIER, *Major of Ordnance.*

SAMUEL COLT. [SEAL.]

Witness to signature of Samuel Colt, president—
HUGH HARBISON.

Approved, War Department, July 10, 1861.
SIMON CAMERON,
Secretary of War.

ORDNANCE OFFICE,
Washington, December 24, 1861.

SIR: By direction of the Secretary of War I offer you an order for twenty-five thousand (25,000) muskets, of the Springfield pattern, on the following terms and conditions, viz: These arms are to be furnished, with the regular appendages, and are to be, in all respects, identical with the standard rifle musket made at the United States armory at Springfield, Mass., and are to interchange with it, and with each other, in all their parts. They are to be subject to inspection by United States inspectors, in the same manner that the Springfield arms are inspected; and none are to be received or paid for but such as pass inspection, and are approved by the United States inspectors. These twenty-five thousand (25,000) arms and appendages are to be delivered at your armory as follows, viz: Not less than five hundred (500) in each of the months of July, August, and September, 1862; not less than one thousand (1,000) in each of the months of October and November, 1862; not less than fifteen hundred (1,500)

in December, 1862; and not less than two thousand per month thereafter, until the entire twenty-five thousand (25,000) shall have been delivered; and you are to have the right to deliver more rapidly than according to the number of arms before specified, if you can do so. In case of any failure to make deliveries to the extent and within the times before specified, you are to forfeit the right to deliver whatever number may be deficient in the specified number for the month in which the failure occurs. All these arms and appendages are to be delivered by you; and this order, if transferred to another party, is to be thereby forfeited. Payments are to be made in such funds as the Treasury Department may provide, for each delivery, on certificates of inspection and receipt by the United States inspectors, at the rate of twenty dollars for each arm, including appendages. All these arms and appendages are to be packed by you in boxes of the regular pattern, with twenty (20) muskets and appendages in each box, for which a fair price, to be determined by the United States inspectors, will be allowed. Please signify, in writing, your acceptance or non-acceptance of this order, on the terms and conditions herein stated.

Respectfully, your obedient servant,

JAS. W. RIPLEY, *Brigadier General.*

Mr. T. ROBINSON ROGERS, *New York, N. Y.*

WASHINGTON CITY, *February* 16, 1862.

MY DEAR SIR: Attached please find a statement of guns required to arm the permanent forts on the sea-coast of the United States.

Yours, with respect,

T. J. RODMAN,
Captain Ordnance.

Hon. J. K. MOORHEAD.

Statement of guns required to arm the permanent fortifications on the sea-coast of the United States.

104 15-inch guns, at 50,000 pounds each	5,200,000 pounds.
23 13-inch guns, at 33,000 pounds each	759,000 pounds.
2,878 10-inch guns, at 15,000 pounds each	43,170,000 pounds.
1,760 8-inch guns, at 8,500 pounds each	14,960,000 pounds.
652 24-pounder howitzers, at 1,480 pounds each	964,960 pounds.
58 10-inch siege mortars, at 2,000 pounds each	116,000 pounds.
77 8-inch siege mortars, at 1,000 pounds each	77,000 pounds.
*100 13-inch sea-coast mortars, at 17,300 pounds each	1,730,000 pounds.
*100 10-inch sea-coast mortars, at 7,300 pounds each	730,000 pounds.
Total	66,806,960 pounds.

* These mortars are not on the regular list of armament, but are deemed necessary to have on hand to meet emergencies.

Since the above was prepared, 78 13-inch and 78 10-inch mortars have been added to the regular amount.

T. J. RODMAN,
Captain, Ordnance.

ALLEGHENY ARSENAL, *September* 16, 1861.

SIR: I have the honor to acknowledge the receipt of your letter of the 13th instant, asking the expression of my views relative to the establishment of a national armory and foundery at this point. I will briefly reply that, as the present facilities for transportation make it of little importance that these establishments should be near the probable points where their products may be required, the question of eligibility is narrowed down to those positions where the materials necessary for their use and the skill to use them are most easily attainable, always having a due regard to healthfulness of site and free communication by rail in every direction. Estimated under these aspects, Pittsburg seems to offer equal advantages to any site proposed elsewhere as a suitable point for an additional armory, should one be decided on, whilst for a national foundery, the eminent success of the guns cast at a private establishment in the city attest at once the excellency of the materials at command and the skill which its workshops afford, whilst the facility with which additional labor can be procured as required, from eastern cities, is also an advantage in favor of locating such an establishment here.

I have the honor to be, very respectfully, your obedient servant,

JOHN SYMINGTON,
Colonel of Ordnance.

Hon. J. K. MOREHEAD,
Chairman, Committee of Congress.

PITTSBURG, *September* 20, 1861.

DEAR SIR: The only reason which it occurs to us to add to those already presented by the committee, why a national armory and foundery should be located at or near to Pittsburg, is this:

Pittsburg is the immediate market for the furnaces which produce the best pig iron in the United States for ordnance, as it is also the best for making wrought iron, viz: pig iron made with charcoal fuel and cold blast from the best quality of hematite ores, producing what is termed in the trade *neutral iron*, or iron which is neither "red-short" nor "cold-short."

Nearly all of this pig iron is now manufactured into malleable iron, there being a demand but for the partial product of a single furnace, used by Messrs. Knap, Rudd & Co., in making guns of the greatest required strength. A national foundery would, of course, use the very best material for all the ordnance, and this can be furnished at Pittsburg at less cost than at any other point.

Very respectfully,

LYON, SHORB & CO.

J. K. MOREHEAD, Esq., *Chairman, &c.*

PITTSBURG, *November* 30, 1861.

DEAR SIR: I take great pleasure in replying to your letter asking my views as to the expediency of establishing a national armory and foundery west of the mountains, and as to the proper location therefor.

Colonel Craig, late chief of the ordnance department, in his report to the Secretary of War, November 1, 1858, said: "Every day's experience is more and more convincing of the necessity for a national foundery of cannon and projectiles. The precautions which we are now compelled to adopt, in order to insure, as far as possible, the use of none but safe and reliable materials for the fabrication of iron cannon, involve the same cost at each of the private founderies as would be required for a national armory of this kind. When multiplied by the number of private founderies where government cannon are made, and where the materials and manufacture have to be severally tested, the product shows a cost which forces of itself, exclusive of other manifest considerations, an ample argument in favor of the erection of a national foundery. This is a matter which has been fully investigated and frequently considered by Congress, and I believe there has been little, if any, diversity of opinion in regard to its expediency."

The last sentence quoted applies as correctly to a western armory as to the foundery. The attention of Congress has been directed to the subject for more than thirty years; its expediency has been repeatedly decided on, and at least three several commissions appointed to select a location for the necessary works. Certainly no event has occurred to render the establishment of an armory and foundery less expedient than it has been for the last thirty years. On the contrary, the reasons which are spread over the pages of executive documents and congressional reports of that period, and which influenced the opinions of Congress in the past, have been annually deriving new force from the immense increase of population and territory to the westward, and the increased requirements of the country. The present necessity of the government for arms demonstrates that the want of more workshops for their production, which was felt in time of peace, and when there were already two armories in active operation, has become imperative. The destruction of the Harper's Ferry armory shows, also, that it would be inexcusably unwise for the government to confine its facilities for the production of arms to a single establishment or locality. Had Harper's Ferry been the only armory, the government embarrassments would have been greatly increased in the present crisis. Should Springfield armory, even now, be destroyed, the disaster would be almost irretrievable. It is history that fifty years ago many of the newspapers of New England advocated a separation of the States; and Massachusetts, maddened by the embargo, was on the eve of attempting to secede. Virginia and the Carolinas were then the strongholds of loyalty. If New England were to attempt secession in the future, having, as now, the entire resources of the government for the production of arms

concentrated at one point within her limits, the nation would be at her mercy, and its liberties would inevitably, for a time, at least, be sacrificed to her will. In view of the present unbounded patriotism of New England, such a supposition seems hardly admissible; nevertheless "*ab actu ad posse valet iltatio*" is a maxim, and "*abundans cautela non nocet.*"

The western armory and foundery would have been established long ago but for the difficulty of finding a location acceptable to the majority in Congress. The cause of the difficulty was not either the scarcity or the multiplicity of suitable locations, but in the wrong principles adopted to guide the selection. When the question of location arose nearly every part of the country claimed to be "entitled to its share of government patronage and expenditure." The rule which would, perhaps, justly regulate the making of roads, or improvement of rivers and harbors, and the erection of defences, was assumed to be correct in regard to the erection of the government workshops. When the Harper's Ferry armory was located in an out of the way gap in the mountains of Virginia, it was a concession to the clamor of that State for her share of the public expenditures. It is plain that every individual in the land is interested in having the arms of the country made in as perfect and economical a manner as possible, and the interest of the whole ought not to be sacrificed to benefit any locality. In the past discussions of the question, members of Congress were found advocating the establishment of the armory in the mountains of North Carolina or Tennessee, inaccessible to transportation, the sickly wastes of Arkansas, or the prairies of Illinois and Iowa, in places where no individuals could establish similar manufactures without certain financial ruin, and where government could only sustain them by enormous expenditures of the money of the people. There is every reason to believe that the fearful lessons of the present are not lost on the representatives of the people, and that Congress will assemble imbued with that earnest spirit of patriotism which, ignoring narrow and sectional policies, will legislate only for the good of the whole country. Should Congress in this spirit decide upon the erection of a western national armory and foundery, the choice of a location will be easy. There are really but two or three at most to choose from, and of these PITTSBURG will, I think, prove to be pre-eminent.

A general statement of the advantages of Pittsburg is already before you in the memorial to Congress. At the risk of possible repetition, I will venture to enforce a few of the positions taken in that paper. Cities from the west of us will present themselves with the statement that they are in the midst of extensive coal fields, and give analyses of the purity of the coal. Nevertheless, from Pittsburg to Cairo, and from New Orleans to St. Paul, in every city and town, you will find Pittsburg coal or coke in daily consumption, or in progress of transportation from the rivers to the interior. *Pennsylvania*, and the adjoining county of Mahoning, in Ohio, *supplies the coal which is used to smelt iron ore, or melt pig metal in all the cities and towns west of this State.* Mr. J. B. Morgan, jr., one of the numerous dealers in coke,

writes to me: "I ship coke by railroad to the following, among other points: NEW BRIGHTON, Salem, Massillon, Canton, Mansfield, Galion, Lima, Newark, COLUMBUS, Piqua, Urbana, CLEVELAND, Monroeville, DAYTON, Springfield, Kenton, Frederickton, Sydney, Mount Vernon, Martinsville, RICHMOND, (Indiana,) Fort Wayne, INDIANAPOLIS, CHICAGO, (Illinois.)" Mr. Wm. H. Thompson, of the Vulcan foundery and machine shop, in ROCK ISLAND, ILLINOIS, in a letter about supplies of coke, of the 18th of November, says: "I have had coke from Pittsburg, both by river and by rail, (1,500 miles by river, 700 by rail.) * * * I had to pay one hundred and sixteen dollars for freight alone on five hundred bushels, which makes very expensive coke." A highly respectable firm in PEORIA, Illinois, writes, October 2, in reply to mine: "We called on one of our principal founderymen; he says they use the anthracite or Lehigh coal for melting, and the Blossburg, Pennsylvania coal, for blacksmithing. The Illinois coal is too full of sulphur for any use except for country blacksmithing; * * * * he thinks the quality of our coal is about the same as the Rock Island."

The founderies and machine shops in the west which do not use Pittsburg coal or coke, substitute anthracite coal from eastern Pennsylvania. Even the "memorial of the citizens of Chicago, setting forth the advantages of that city as a site for a national armory and foundery," recognizes the fact (on page 18) where it gives the prices of Ohio, Lehigh, Pittston, Scranton, &c., "*suitable for blacksmithing and smelting*," at from two to five dollars per ton. The Illinois coal, "the richness of which *for steam or motive power* is established beyond question," is quoted at $1 25 to $2 per ton. That "suitable for blacksmithing and smelting" comes from Pennsylvania. The government cannot establish a foundery and armory west of the Pittsburg coal field without being dependent on that field or the more distant anthracite region for its fuel. It must come to Pittsburg for all the coal to melt its metal or work its forge fires. Even the most inferior quality of coal for raising steam costs in Chicago double as much as our engine coal does delivered at the furnace doors.

There is a greater variety of PIG METAL sold in Pittsburg than in any other market in the United States. The number of the *best* brands found here is greater than in any other market, and their average price is lower than anywhere else. To illustrate, "Scotch pig" may possibly be cheaper in New York, "Tennessee" may be cheaper on the Cumberland river, and "Lake Superior" at Marquette, but the three brands are always found side by side in Pittsburg at a lower price than they can ever be at the point of production of either, and a mixture of the three makes a better metal than either alone. The strongest gun metal is made from mixtures. Each manufacturer of bar iron, castings, or steel, by mixing the product of different furnaces in proportions the result of his own experience, is able to produce an iron exactly suited to its intended use.

Mr. Isaiah Dickey, iron commission merchant, informs me that while receiving consignments from Tennessee and from Georgia he sometimes shipped the Georgia metal, before removing it from the

landing, back to a founderyman in Nashville, Tennessee. The founderyman there needed the quality it possessed to modify peculiarities of the Tennessee iron. This fact illustrates at the same time the importance to the manufacturer of access to the different brands, and that Pittsburg is the point to which he naturally sends his order, knowing that here every variety is found. That it is essential to the success and proper economy of a foundery and armory that it should be located in the midst of the greatest variety of irons is well understood by ordnance officers, and is proved by their recorded experience. The Chicago memorial, before quoted, claims as a chief advantage for that city its comparative proximity to the ore deposits of Lake Superior. The reply is, that more than three times as much Lake Superior ore is smelted in and around Pittsburg than is smelted on the shores of Lake Superior or at the mines, and none of the ore is smelted in the State of Illinois. Our founderymen bring the ores of Lake Superior and Lake Champlain, of Missouri and Canada, to this city, and by means of our cheap and excellent fuel make iron of them at less cost than it can be sold at if made at the mines. The production of bar iron in Pittsburg is far more than double that of any other city in the Union, and there is more steel made here, exclusive of the puddled or semi steel, than in all the other cities of the United States together. We produce steel of qualities adapted to every purpose, from the finest cutlery and small arms to rifled field artillery. Our establishments have been entirely successful in making cast-steel cannon. The opinion is growing among ordnance officers, both in Europe and America, that the time is not distant when most of the field artillery and much of the light naval armament of the world will be of steel. The great Prussian manufacturer, Krupp, has demonstrated that it is altogether the most durable and the safest material—advantages which more than compensate for the increase of cost. Its great strength will allow cannon to be made as light as is desirable. Puddled steel, which is also coming into use for ordnance, is extensively produced, and Pittsburg has a greater number of furnaces, such as are used in its manufacture, than any other city.

For the cheap production of ingot and rolled copper, and the excellence of the quality produced, Pittsburg is not excelled elsewhere.

A circle drawn with a radius of, say, 75 miles, Pittsburg being the centre, contains more valuable timber, and of greater variety, than is found in an equal area around any city west of Pennsylvania. The region indicated, including as it does the alluvial bottoms of three rivers, part of the Appalachia slopes and summits, and extending into the region of the northern river, furnishes the oak, walnut, maple, hickory, ash, birch, elm, chestnut, pine, &c., in the greatest perfection.

The same area produces more tanned leather—an indispensable war material—than any similar area in the west. The hides of which it is manufactured are mostly brought from west of the Mississippi to reach our cheap and abundant supplies of bark. There is no

equal area of country with better or cheaper transportation facilities from its centre to all its parts.

The expense of living is as low in Pittsburg as in any other city west of the mountains, and lower than any west of the State of Ohio. This is sufficiently proven by the cheapness of labor, the general comfort in which our mechanics live, and the comparative low price at which the product of our workshops is sold.

In the supply of SKILLED LABOR IN IRON, Pittsburg offers advantages which cannot be equalled elsewhere. In showing this fact, it is necessary to correct an important error as to the population of our city which exists in some quarters. The Chicago committee state it at 49,220. The corporate limits of Pittsburg comprise the triangular space between the Allegheny and Monongahela rivers. This space was filled up years ago, and is the Pittsburg of the official census reports. Adjoining, and surrounding it on all sides, are the various boroughs and the city of Allegheny, the whole making up what is commonly and popularly known as Pittsburg. Allegheny, alone, contains 31,536 inhabitants; Manchester, Birmingham, Lawrenceville and the other manufacturing suburbs, have 31,845—making the total population of Pittsburg 112,591! With this correction, it is a pleasure to accept in population, as in all other things, the comparison which our Chicago friends have so happily instituted:

Population of Chicago, in 1840, 4,479; in 1860, 109,263.
" Pittsburg, in 1840, 21,115; in 1860, 112,591.

This increase, says the Chicago committee, (page 16,) "so largely in favor of Chicago over other cities, it is claimed is on account of her central position, ease of access, and many avenues to concentrate to and distribute from, to a very large territory, embracing several States," or, in other words, her *commercial facilities*. The increase of population in Pittsburg is due solely to her *manufacturing advantages*, incidentally including cheap transportation to all parts of the country. In Chicago, (page 16 of mem.,) there are 2.866 hands employed in "iron work, steam-engines, &c." In Pittsburg there are over twelve thousand hands working in iron alone. Yet our Chicago friends, (on page 21 of their memorial,) after claiming superiority over the Iron City in all other particulars, say: "In supply of skilled labor we are fully equal" to Pittsburg.

Pittsburg is free from epidemics and malaria. Her health statistics show a result so superior to that of any other city, as to astonish those who have not by actual residence in our midst acquired a personal knowledge of the facts. This superiority, attributable probably to the peculiarities of her atmosphere, added to advantages of location and climate, is the reason why other cities, when giving statistics in this connexion, omit Pittsburg. From the careful statement of Dr. J. L. Duncan, physician to the board of health, the

deaths in the city of Pittsburg, including still-born and accidents, were :

In 1856	1.48	per cent.
" 1857	1.59	"
" 1858	1.45	"
" 1859	1.39	"
" 1860	1.42	"

The average for the five years is 1.46 per cent.

The question as to the relative value of steam and water power will arise. The owners of the latter will demonstrate to their own satisfaction that it is the best. "Eminent engineers," says Freedley, "have investigated the subject, and are of opinion that in any position where coal can be had *at ten cents per bushel*, steam is as cheap as water power at its minimum cost." But facts and experience prove more than argument. Most of the large factories erected in Massachusetts within the last few years (says Montgomery) are propelled by steam, although the fuel is transported from Pennsylvania. At Moline, in Illinois, there are mills with the Rock Island water power coursing beneath one end, while their machinery is driven by the more steady and reliable steam-engine at the other. On Rock Island itself, within a stone's throw of the rushing water fall, there is a steam saw mill. In the vicinity of Pittsburg, the Monongahela Navigation Company, of which you are the president, has for years seen the surplus water of its dams run by unused, for the reason that steam is enough better to be cheaper than water, even at the nominal price at which you are willing to furnish it. The beautiful Allegheny, almost from our city line to its source, is a succession of water power still unused. In the year 1825 a commission appointed by President Monroe, under an act of Congress "to establish an armory on the western waters," made a report, the result of two years' labor. They designated Ohio Pile falls, on the Youghioheny, and Brighton falls, on the Beaver river, as the best points if water power should be adopted, and Pittsburg if steam power should be used. Pittsburg, says that report, "has fourteen steam-engines now in operation, either in the town or its immediate vicinity." Of these three locations, Ohio Pile falls now drives the bark mill of a tan-yard; Brighton is, as it was thirty-five years ago, knocking at the door of Congress for a government purchaser to develop its professed advantages, while Pittsburg can boast of her three hundred steam-engines.

Pittsburg is entirely secure from foreign foes. It is situated 400 miles from the seaboard and 100 miles from the lake shore, separated from the former by mountain chains, and from the latter by a rugged country broken by hundreds of intervening streams, any one of which could be made the grave of an invading army, should one escape the perils of a landing on our shores. Its peculiar situation among the hills, directly accessible only by the valleys of its three rivers, adapts it for defence in so marked a degree that the army officers commissioned to examine it in June last pronouced it, naturally, the strongest position in the country. Three of our hills command every possible

approach, and a few days' labor in fortifying them would render the place absolutely impregnable. Security of position ought to be a *sine qua non* to the proposed government works; hence, after our own experience of the efficiency of even a wooden fleet against the South Carolina forts, and after the late English and French proof-tests of the invulnerability of iron-clad ships, I cannot think the government will ever establish an armory and foundery on the lake shore. Certainly it will not be done while England holds the Canadas. Of the lake cities, Chicago is, perhaps, the least defensible of any save Detroit, for, besides being accessible to fleets, the country in which it is situated, (says the Chicago memorial, page 5,) "is a vast plain, without natural barriers to defend it, or any of those mountain fastnesses which in other countries have often proved the strongholds of liberty and national independence." Pittsburg, as any one who has ever entered its vicinity must admit, is precisely one of those strongholds.

The objection of accessibility to a foreign foe cannot be urged against the cities on the Mississippi river, but there is another, somewhat analogous, which, in my view, is entitled to serious consideration. The great States to the west of that stream, destitute of manufacturing facilities, are possessed of extraordinary agricultural capacity. Already, in times past, we have heard from the press, and even from their representatives in Congress, murmurs of discontent, on the ground of supposed diversity of interests from the Middle and New England States. Intimations have been thrown out that they want no "tariffs;" for, with the Mississippi, the great lakes, and Canada for outlets, and the world for a market, there is an empire in the west which does not need us. Similar ideas elsewhere have culminated in rebellion. The States west of the Mississippi are to-day (at least north of the Missouri line) as intensely loyal as any in the Union, or as Virginia once was, but the present, we have learned, is no longer security for the future. It would hardly be wise, in view of the mere possibility of western secession, to erect your foundery and armory on the banks of the stream which would, in that event, be the boundary line between contending sections. A few years ago a board of army officers rcommended FORT MASSAC, on the lower Ohio, as a proper site for a western armory and foundery, giving as a chief reason, that the transportation of coal and iron *down* the Ohio was very cheap. Had the proposed works been erected there they would have been destroyed, like Harper's Ferry, in the contest for possession, or possibly be now furnishing arms for the destruction of the government.

Trusting that Congress will, at an early day, establish on the western waters a national armory and foundery in some locality which will prove best for the interests of the whole Union,

I am, very respectfully and truly, yours, &c.,

FELIX R. BRUNOT.

Hon. J. K. MOREHEAD,
Washington City, D. C.

Statement of James Patterson, esq., of Beaver Falls, Pennsylvania.

Mr. James Patterson, of Beaver Falls, presented the following, viz. :

We are to inquire whether more national works are needed ; and if so, whether it be expedient to erect such works west of the Alleghany mountains.—*Committee's rule.*

Mr. Chairman and Gentlemen : To my mind it appears strange and marvellous that our government is now, with all the circumstances surrounding it, pausing to consider, to "inquire into the expediency" of providing the ways and means to fully and entirely arm the nation for defence, now when the great nations of christendom are armed for offensive and defensive war as they never were before ; with an English fleet of steam and iron-mailed ships, with one thousand guns of extraordinary calibre, at our very doors; France, Spain, and England, also, with combined armies and fleets of powerful vessels near our waters ; with the fact every day brought to our notice that the ocean lying between us and those powerfully armed nations—some of whom at least may be considered the enemies of our institutions. and which under Providence saved us in times past when we were weak and few in numbers—is now reduced in width at least to one-fourth or fifth of what it was by the power of steam ; and when we know, too. that our institutions and marvellous growth and prosperity have roused the jealousies and hatred of the monarchists of the Old World. If we had no war at home, it would, in my opinion, be the imperative duty of the government to provide ways and means adequate to speedily and fully arm the nation for self-defence.

What number of arms shall the government require to fully and sufficiently arm its people and store its arsenals in such a manner as should be done by a government depending at all times upon its citizens for defence?

To make our people efficient as defenders of themselves and government, all our able-bodied men, from eighteen to forty-five years of age, should be trained in the use of arms.

How many arms would this require ? The honorable ex-Secretary of War, Simon Cameron, in his last annual report to Congress, says that in case of need the then loyal States could furnish more than three millions of men in the field, if those loyal States would only equal the proportion which Massachusetts had in the field at one time during the war of independence.—(See the report.)

To arm these men would require more than—but say, 3,000,000 of muskets and rifles ; but in addition to these the honorable ex-Secretary gives it as his opinion that we should have in store in our arsenals as a reserve 1,000,000 guns. This would make our wants 4,000,000 of muskets and rifles.

Supposing this to be a correct estimate, should the other portion of our able-bodied citizens—the at home citizens—be left out of the

estimate in counting up how many arms the government should possess?

In my opinion, the proper consideration of this question demands a larger and wider range than this view gives us; we should take into consideration our *whole country*. Our Union is not permanently separated; this rebellion will not last always. Peace and harmony will be again restored. Let us, then, try to count what number of arms should be possessed by government for the defence of the whole nation.

Our population by the census of 1860 was then more than 27,000,000 of free whites. Suppose these citizens would furnish soldiers for the defence of their country in the same proportion as did Massachusetts at the period referred to, there would be more than 4,000,000 requiring arms from the government; add to which the 1,000,000 in store, would make in round numbers 5,000,000 of arms to be furnished by government. If arms were required for the training and arming of all able-bodied war men of the whole people, with 1,000,000 in store, it would probably amount to 7,000,000, or more. Remember, too, that our average annual increase of numbers in the ten years from 1850 to 1860 was nearly 750,000.

It may be said perhaps by some that no case can ever possibly arise when we shall have necessity for so many armed soldiers, even as the number named by the honorable ex-Secretary in his report. Well, let us see.

Suppose harmony and good fellowship again restored through all our borders, and we should be involved in a war with England—that mighty maritime power—what in that case should we have to defend, and what would probably be the number of armed men demanded for its defence? Estimate the number of thousands of miles along our Atlantic frontier—seaboard—requiring and demanding protection against England's armies and iron-mailed navies; count the extent of our most valuable undefended Pacific shores; and count also the many thousands of miles of frontier along our inland seas swarming with England's armies and navies, as they then would be, and our whole boundary line between the British possessions and our States and Territories, and answer me how many armed men it would require to protect our cities, towns, and frontiers, and arm our navies against that power so all-powerful at sea and so anxiously ready for war with us.

How many arms—muskets and rifles—shall be required under this aspect? Remember, too, that if England shall attack us before the restoration of harmony at home, the necessity would be stronger upon us for the greatest possible number of armed men to be armed and called out for service.

Take into your estimate, also, that the wear and tear of arms in times of war is *enormous*—not less certainly than 25 per cent., and I believe averages much higher per cent.

Suppose, then, we for the present purpose take the ex-Secretary's 4,000,000—viz: 3,000,000 for armed men and 1,000,000 for a reserve store. If government require this number of arms to be at

command, what means has it to furnish them, and, with the means now possessed, how soon could they be furnished?

For this work we have Springfield armory—our only one—and *private contractors.*

First. How many arms can Springfield armory furnish in a given time?

I have a statement in regard to the capacity of that establishment in the New York Herald of July 14 last, copied from the Springfield Republican of July 12, same month, and which would seem to be by *authority.*

Allow me to read it in part.

By this Springfield statement, how very few arms of our own make are yet in the hands of our soldiers! what a motley, mixed multitude of patterns, fashions, and qualities of arms our soldiers are now depending upon in the face of the foe!

You see that by this statement, by working the men night and day—some departments never stopping—and with all the aid of private shops making parts of a gun, their calculation of its greatest production is 60,000 in a whole year!

And to do even this, the works must be greatly enlarged.

Mr. Chairman, would this number make good the wear and tear upon 3,000,000 of arms in service?

At 25 per cent. only, the wear and tear would, upon 3,000,000 of arms, be 750,000.

At this rate, it would take a dozen works such as this one at Springfield, Massachusetts, to keep arms in the hands of our soldiers, if 3,000,000 were in the field.

60,000 would be two per cent. upon 3,000,000, and in *ten years* could only make 600,000 of the 4,000,000 of Secretary Cameron's estimate.

I take for granted that few of the guns bought in Europe and furnished by contractors will be retained by government when those of our own manufacture can be substituted for them.

But let us give Springfield armory the benefit, also, of what the honorable ex-Secretary says of the capacity of that establishment to furnish arms, both present and prospectively.

Allow me, Mr. Chairman, to read a small portion from his last report.

By this statement and estimate, 800 muskets per month was the greatest production of arms at those works prior to the rebellion, and that with the aid of additional—much additional—machinery ordered by him, a part of which machinery was a powerful steam-engine, (the works already then in operation requiring fully all the capacity of the water-power to propel them,) he estimates—guesses—that there may be made there by much forcing, &c., 200,000 muskets this year, 1862!

Even at this remarkable *estimated* rate, it would occupy those works *fifteen years* to make 3,000,000 of muskets or rifles, and the whole annual production would be only 6⅔ per cent. upon the 3,000,000 for wear and tear if in service!

If this statement will satisfy the committee, as it does myself, that

this only armory cannot and ought not to be depended upon to furnish arms in sufficient quantities to arm the nation, then what other dependence shall we have recourse to to aid with what Springfield armory can advantageously and economically make, to furnish the nation with a sufficient quantity of arms?

Will government continue to lean upon private contracts or for its main supply of arms?

I have heard it argued here within the last few months that arms and cannon could be furnished better and cheaper by private contractors than government could itself make them! When I hear this remark made, the query arises in my mind, what contracts is the speaker interested in?

By what appears to be good authority, General Burnside said during the awful storm in which his fleet and army were lately so much exposed—

"The contractors have almost ruined me."

The impression is strong in the public mind that the "contractors" have almost ruined our Uncle Samuel.

I think one of the loudest calls made upon Congress by the people should be and will be to devise some measures to save the national treasury from the "contractors."

You will not, I feel sure, look to contractors to furnish arms, but will provide for their manufacture in national workshops.

Permit me, Mr. Chairman, to carry your mind back to that time in our history presented to you the other day by the venerable ex-Secretary of War from Pennsylvania, Judge Wilkins, when General Washington recommended the manufacture of arms for the republic; two armories were recommended, and two were located as recommended. I beg leave to dissent from the opinion then expressed by the honorable gentleman that those armories were not wisely located at Harper's Ferry and Springfield. I think the locations as made were then in every respect, political and economical, particularly wise and judicious. The *east*, at that time, would not consent that an *only* national armory should be located in the *south*, neither would the *south* to the *only one* being in the *east*. One armory would then have been sufficient for the whole country, yet two armories were located, one in each section. You will remember, Mr. Chairman, that there were then an east and a south, as there are now a north, a south, an east, and a *west*. The particular location of those two works in the then state of our country was wise.

We were dependent at that time upon importations from foreign countries for most of the iron, and I believe all our coal. For many years in *this* century, very much of the iron and coal used on the seaboard was brought from Europe. The works in Massachusetts were located on a good water-power, and in the midst of a large number of working people, and convenient to the seaboard for supplies needed. That at Harper's Ferry was as convenient to iron forges and mechanics and work people in Pennsylvania, as well as could be to have the works in the south, and have at the same time the use of a good water-power.

Those locations were made, in my opinion, in true and proper spirit—the best calculated to keep down jealousies and suspicions of one section against the other.

Since that time a great western empire has grown up west of the Alleghanies, having a population probably three times greater than was in our whole United States at the time of the location of those two works—where are large cities of commerce and manufactures—sites where are to be found in great abundance, native, raw, and manufactured, all the materials entering into the manufacture of cannon and small arms; artisans, mechanics, and laborers in great abundance, with railroads, canals, and great rivers, together affording in the average, perhaps, the greatest and cheapest facilities for transport to be found anywhere, and also where food and the cost of materials for the manufacture are at least as good and much cheaper than at any place east of the Alleghanies.

What great advantage has Springfield for a national armory at this time? She has a good water power and good workmen, and not one other advantage, save that the site is in New England. The iron and coal used at these works have to be imported, and there is at this time an agent from Springfield, Mass., now in western Pennsylvania, to procure black walnut for gunstocks for that place. The flour and pork and beef for that section have to be taken from the west, mainly.

And, Mr. Chairman, at the time of the examination of sites for a national armory in the west, in 1823 to 1825, when we had a low tariff upon iron and coal, and when the west was comparatively young and weak, and its mineral wealth but little developed, and its iron manufactures small and young—when we had neither railroads nor canals—that board of commissioners, one of whom was, I believe, the then superintendent of Springfield armory, reported to the war office as their opinion that the musket as made at Springfield could be made at Beaver or Pittsburg, Pennsylvania, for more than fifty cents per musket less than it had then ever been made for at that armory.

The advantages of those places, Beaver and Pittsburg, now, from increased population, improvements in and increase in number and variety of manufactures, developments of the coal and iron mines, improvements in smelting iron, &c., and from the many steamboats upon the rivers, their many railroads and canals, &c., have much greater advantages over Springfield than they possessed at that time, for the economical manufacture and speedy transportation of arms, large and small. Then why, Mr. Chairman, must all our dependence be upon Springfield for what she can only in part furnish, and that at an extra cost? A place having not one single material necessary to the manufacture, which is not brought from abroad, at high price, and heavy charges for transportation; and when made distributed to the west, southwest, and northwest, at greatly increased charges for transportation.

And now this bad economy is made worse; for after enlarging the manufactory at those works to the utmost capacity of its water power,

they have put up a powerful steam-engine to work a large amount of new machinery, to raise steam for which they must import coal from Pennsylvania, or from Pictou, N. S., at large cost, and which must largely add to the average cost of the gun made by this costly power—extra costly there.

In Philadelphia, where coal is much cheaper than it will cost at Springfield, the cost of coal to raise steam for a steam-engine is found to be twenty-five dollars per day per one hundred horse power, at the present price of coal there.

But the honorable gentleman from Massachusetts appears to think that the fogs of the west are a very serious objection to an armory being established there. If this were true then the objection would equally apply against there being an arsenal or any store of arms in the west. All must be made and kept in Springfield, Massachusetts!

Mr. Chairman, I have seen fogs in Massachusetts much more dense and watery than any which I have seen in the west in more than thirty years; and so, also, in other places in New England. I have also seen, in old England, on the banks of one of her large rivers, where the fogs are often equal, at least, to any in New England, more than one hundred thousand muskets, with an innumerable number of swords, bayonets, &c., as clean and as bright as your razor-blade.

The honorable gentleman from Massachusetts says further, that, for anything he can see at present or any prospect in the future, he can see no reason for and is opposed to the erection of another armory!

With very great respect for that honorable gentleman and the State he in part represents, I must beg leave to say that I am at a loss how to understand him or his position on this question. As I view the the signs of the times it is a settled point, that whether we have peace or war the nation must and will have more arms and armaments of war than ever before thought of by any one; but to me all the signs promise or threaten war, war, war, at home and with England. While I do not believe with the honorable gentleman from Pennsylvania, Judge Wilkins, that the feeling of hatred is so deep in our people toward that nation, or of its people toward us, as to force us into war with each other to gratify that hate; yet I think there is a desire on the part of at times a controlling power there to make war upon us, and weaken us and the force of our institutions upon the "peoples." I think cotton is only a representative cause of this feeling against us. I believe they think that hereafter, even if harmony shall be restored between the north and south, that the north, viz: the free States, will rule in the counsels of the nation, and that their manufactures will not have that freedom of trade to our country which they have so long had to the injury of our own labor through the influence of southern free-trade policy.

Every new arrival from England appears to me to show a darker shadow of war in the not distant future. If it be wisdom "to prepare for war in time of peace," what must be thought of those who are opposed to prepare now, under the circumstances and prospects for the future which surround our country?

With all the natural and artificial advantages and facilities of the west of the Alleghanies for the manufacture of arms, large and small, *economically;* the wide and large extent of country to be defended; the great national and individual interests at stake in the event of a war with that great maritime power, England; with the facilities for cheaply and rapidly distributing arms and munitions of war to all and distant points; what reason of national importance or consideration can be given why the west of the mountains should not have one or more armories for the manufacture of large and small guns? I can neither see nor imagine one.

The spirit which, in 1794, gave one armory to each of the then great sections of our country, would now give to the west of the Alleghanies all such works as would suffice for fully arming their people and frontiers, and which they could make economically and well.

In my opinion, each of the great sections of our country should have of such works a sufficiency to make all the arms needed for arming and defending themselves and country. If this power be monopolized by one—any one section of our great country, embracing so many and opposing interests—there would very likely arise jealousies and suspicions of an undue use of this power. The east has now all the great customs interests, the commerce, the payments to the navy and army, the supply and furnishing of both; a navy yard at Philadelphia, giving employment now to from 1,500 to 2,000 workmen, besides a large arsenal where very many men, women, and children find employ. New York has also a large navy yard, where 3,500 workmen are now employed. Massachusetts has also a large navy yard, where now 3,600 men find constant work. There also are navy yards at Portsmouth and at Portland, where many men are in the employment of government; besides which, there are in the east many thousands of work people engaged in making steam engines, &c., for government, and many more thousands in factories making cloth, arms, &c., for the government. And while the people west of the Alleghanies pay their full proportion of men and money upon the call of government, may she not have the small boon—the right—of the employment of some few of her people to make arms and munitions of war for the defence of their own borders, and the arming their own people at sites where they can be made as well and at less cost to the government than they can be at any site on the east side of the mountains, and especially so than at Springfield, by steam power?

The honorable member from Springfield says no.

Mr. Chairman, I think that great national political considerations bearing upon this inquiry are of vastly greater importance than even the economical or any local arguments, and speak more loudly than all others for the erection of more armories. It is said that "the wise learn by the experience of others; he is a fool who won't learn by his own experience."

This rebellion, in my opinion, never would have progressed to open warfare had the traitors not first possessed themselves of almost all our

arms, and either had possession of or scattered far abroad our navy also. They had, in their counted boundary, Harper's Ferry; they possessed Norfolk, and the thousands of guns, large and small, at that point, leaving the free States without arms, and only the one armory to make arms, in New England. They thought they had us at an advantage.

Our fathers had, and our government and people have had, from the beginning up to the time this civil war began, a dread of a standing army. It was owing to one man, at the close of the war of independence, that we had not a monarchial form of government established. The army then in the field was eminently patriotic. We have now an army of 600,000 men and many generals in the field. They have all our arms. They were loyal, patriotic citizens: they are becoming soldiers and a standing army. I have no suspicions or doubts of any. Human nature is human nature. Our government extends and will continue to extend over different climates, soils, productions, and opposing interests. Our institutions are now undergoing such a trial as was never anticipated, and are, I think, undergoing a great ordeal. "The price of liberty is eternal vigilance." Let us take care and not become the sick man. Let us be strongly armed, not only to restore and keep peace and order at home, but to be ready to ward off any attack from any power that may be disposed to treat us as a Turkey or Mexico.

I will not now, Mr. Chairman, go into an argument or an exhibit of facts or comparisons in favor of the site on the *Beaver Falls*, Pennsylvania, or of any site in the west over another site in the west for these national works. I might enlarge upon the great and safe water power of Beaver Falls, of its superior bituminous coals, its iron ore, the furnaces in its valleys smelting superior iron from its native and raw coals and ores, and of its facilities for transportation by water and rail, &c., &c.; but I think arguments in favor of one city in the west over another city in the west, or of one centre of a drawn circle, larger or smaller, over another centre of the same kind, is now out of time and place, except so far as to show that the west of the Alleghanies is worthy of having national works, in which to manufacture arms for the people there, and that there are there more than one place and point suitable for such a purpose.

I have my opinion, strong and unchangeable, as to which point or site of all presented from the east or the west has the greatest amount of national economical considerations in its favor for such works. I know much of the east, and also much of the west, and I know that arms, large and small, can be made in the west, and at more than one site, at less cost, of as good a quality, and placed where required, at less cost of time and money, than can be done at Springfield, Massachusetts, or at any point or site in the east of the Alleghanies.

There are, perhaps, gentlemen here present who as sincerely believe their favorite site in the west has as strong, perhaps stronger, claims and arguments in its favor than are in favor of my favorite or of any other site, and if a contest be made in Congress for a special site location nothing can or will be done at this session of Congress upon this important national interest.

I fully and confidently believe that no honorable member of Congress can stand upon high national ground and look disinterestedly at this question, and not come to the decision that more national works are demanded for the manufacture of small guns and munitions of war, and also of large guns, or cannon, and that speedily, and that those new works should be located west of the Alleghany mountains. Let Congress then so determine, and have a board of commissioners raised to examine and inquire into the national advantages and capacities for an economical manufacture of large and small guns for cheap and rapid distribution, &c., and select and locate one or more sites in the west of the Alleghanies for the erection of such national works, and make the locations upon high national economical considerations, putting out of view all local influences or arguments.

WASHINGTON, *February*, 1862.

HOUSE OF REPRESENTATIVES,
Washington, December 24, 1861.

DEAR SIR: I beg leave to call your attention and that of your committee to Madison, Indiana, as a suitable location for a national armory.

Madison being on the Ohio river, has by that means connexion with the Mississippi river and all its tributaries. The railroad from Madison to Indianapolis gives it connexion with all the railroads of the country. It has no water power for running machinery, but it has what is better—facilities for procuring coal cheaply for the steam machinery; and my impression is that steam is a cheaper and more reliable power for moving machinery than water power.

The necessary ground for the location of the armory can be procured in Madison at a nominal price, or, if necessary, without cost.

Another advantage that Madison has over most other localities is in the cheapness of house rent and supplies for the families of operatives.

I ask the privilege of appearing before your committee to present more fully the advantages of the city of Madison as a location for a national armory.

Most respectfully, your obedient servant,

W. M. DUNN.

Hon. J. K. MOORHEAD,
Chairman of Committee on National Armory.

MEMORIAL TO THE GOVERNMENT OF THE UNITED STATES FROM THE CITIZENS OF PITTSBURG, SETTING FORTH THE ADVANTAGES OF THAT CITY AS A SITE FOR A NATIONAL ARMORY AND FOUNDERY.

At a meeting of the citizens of Pittsburg, held on the 6th day of June, 1861, the undersigned were appointed a committee to prepare a memorial, to be laid before the government of the United States, exhibiting the advantages of the city of Pittsburg as a site for a national armory.

The committee, believing that the present state of the country imperatively calls for the immediate establishment of a national armory and foundery, present themselves before Congress, for the purpose of calling its attention to this important subject, and laying before the government the advantages possessed by the city of Pittsburg favoring its selection as the locality of such an establishment.

Recent events calling for the prompt equipment of large bodies of troops, and the possession of ample supplies of effective weapons, have demonstrated how important, even amid the greatest prosperity, to the most confiding of popular governments is the study of all the arts of war. Time will probably never again present to our country the sorrowful lesson it is now learning; yet it cannot be hoped the United States will escape in the future collisions with foreign powers. Should the emergency which has taxed so heavily and suddenly the military resources of our country have arisen, not from rebellious brethren, partaking of our own arms only, but from foreign foes, powerful in the possession of weapons fourfold deadly in their scientific improvements on the ordinary implements of war; the error of neglecting in peace to prepare for war, and the importance of a national armory and foundery, under the direction of skilled military officers, and located in a secure section of the country, amid easily accessible and copious supplies of materials, would have been yet more apparent. Therefore the committee, in the discharge of their duty, desire to call the attention of the government to such facts and resources as induce them to believe that Pittsburg is the most desirable place in the Union for its location. It is rare to find in any country a locality possessing so much centralization of position, with such copious surroundings of material and extensive facilities for simultaneous transportation to all sections of the country, as combine at Pittsburg, in connexion with a large population skilled in all the mechanical arts.

There are many things to be carefully considered before fixing upon the location for works of such great importance; and the place combining the most advantages should be selected, without any regard to the idea of sectional distribution of the patronage of the government.

In order to approach the subject fairly the committee will state what they believe to be matters that should be regarded as of primary importance in determining upon the location of a national armory:

1. The geographical position with reference to the whole Union, and its probable security from attacks of an enemy.

2. The means of transportation to and from other parts of the country.

3. The healthfulness of the location.

4. The cheapness and abundance of motive power.

5. Material most essential in the construction of the works and manufacture of arms.

6. The price, supply and skill of labor.

7. Ready access to various kinds of manufacturing establishments, where machinery and tools of all varieties for working in iron, steel, copper and wood can at all times be obtained with the least delay, and at the lowest rates.

8. The supply and cheapness of food.

9. The probable security of the location with reference to insurrection or rebellion.

THE GEOGRAPHICAL POSITION OF PITTSBURG.

Located at the headwaters of the Ohio, in latitude 40° 35′ north, longitude 80° 38′ west, Pittsburg commands an inland navigation of over 11,000 miles, reaching by river 340 counties of fourteen States and two Territories—not only the border counties thereof, but the interior of those States as well; affording unparalleled facilities for reaching from the 46th degree of northern latitude to the 30th, and from the 1st to the 22d degree of longitude west from Washington—embracing an area of country 1,200 by 960 geographical miles; or 10,502,000 square miles of territory, reached in all directions by continuous river navigation from Pittsburg.

To the extent of country bounded by the Atlantic ocean on the east, the Gulf of Mexico on the south, the Mississippi river on the west, and the lakes upon the north, the location of Pittsburg is so nearly central, that when viewed with reference to her natural means of intercourse with the States within those boundaries, she stands in the position of a geograpical centre. A circle described upon an accurately proportioned map of the United States, having a radius of 400 miles from Pittsburg, embraces therein the following States, entire and in parts: Pennsylvania, New York, Vermont, Massachusetts, Connecticut, Rhode Island, Delaware, New Jersey, Maryland, Virginia, Ohio, North Carolina, Tennessee, Kentucky, Indiana, Michigan, Canada West, part of Illinois, and the northern portion of South Carolina—being eighteen of the United States, and a colony of Great Britain.

A marked point, from the geographical position thus briefly sketched, from the day the white man first set foot on the western slopes of the Alleghanies, Pittsburg has, in the discovery and development of the mineral wealth that surrounds her on every side, acquired an importance of position a thousand fold over that which made her site a subject of contention to the statesmen of England and France.

THE NATURAL AND ARTIFICIAL TRANSPORTATION FACILITIES OF PITTSBURG.

The *natural* transportation facilities are the rivers, already noted as giving Pittsburg the control of 11,000 miles of inland navigation.

A glance at the map of the United States shows immediately how extensive in its ramifications is this river system; extending, as already noted in the sketch of the geographical position of Pittsburg, into and around fourteen States and two Territories; giving access to 340 counties, permeating an area of over one million of square miles, containing, in 1850, a population of 4,527,025, and contributing to the wealth of the nation $218,992,007, annually of agricultural products, which figures the census of 1860 will largely increase. To all the vast territory thus indicated shipments can be made from the wharves of Pittsburg, direct; and the heaviest material be transported without breaking bulk to and into the States of Mississippi, Wisconsin, Arkansas, Indiana, Illinois, Alabama, Tennessee, Kentucky, Louisiana, Virginia, Missouri, Iowa, Minnesota, Ohio and Kansas.

The *artificial* facilities for transportation enjoyed by Pittsburg are railroads and canals. Of the first of these there are nine—of which three seek western connexions and termini, three have northern termini, one a southwestern, one a northeastern, and one an eastern terminus. The Pittsburg railroad system is, in view of the large scope of its connexions, of great transportation value. Reaching eastward by the Pennsylvania Central to Philadelphia, it attaches to New York and the northeast by the New Jersey railroads; and to Baltimore and the south by the Baltimore and Susquehanna railroad at Harrisburg.

Creating a route to the northeast via the Pittsburg, Fort Wayne and Chicago railroad, shorter by 40 miles than any now in operation or projected; westward by the Pittsburg, Fort Wayne and Chicago railroad, it embraces in its connexions the entire network of railroads which cover the States of Ohio, Indiana, Illinois, and the interiors of the States of Missouri and Iowa by the various roads located in those States.

By means of the Chartiers Valley road, when the consolidation of the Hempfield and Marietta and Cincinnati roads is completed, a second direct route to the west is presented, draining the southern tier of counties in the states of Ohio, Indiana and Illinois. This route is of great future value, for, the Pittsburg and Maysville road being completed, it gives direct railroad access to the interiors of Kentucky and Tennesee, and a connexion with the railroads of those States debouching on the Mississippi at Memphis.

Westward yet again by the Pittsburg and Steubenville railroad, the Pittsburg railway system, by another and distinct route, forms connexions with the roads of the States of Ohio, Indiana, and Illinois, and a direct route to St. Louis from New York, 140 miles shorter than by way of Buffalo and Cleveland.

Reaching southward by the Pittsburg and Connellsville road, termi-

nating at Cumberland, on the Baltimore and Ohio road, a connexion is formed with the roads of the southeastern Atlantic coast.

By the Alleghany Valley road, which, when completed to its terminus at the New York State line, connexions are made with the roads of the Empire State.

Northwardly by the Cleveland and Pittsburg road, the railway system of Pittsburg reaches the lakes.

Northwardly again by the Cleveland and Mahoning and the Pittsburg and Erie roads, the system reaches the lakes at Cleveland and Erie.

Brief as is this sketch of the facilities for transportation afforded by the railway system of Pittsburg, its great value cannot fail to present itself clearly; and taking into consideration that the most of the routes pass, after leaving the city, from one to two hundred miles through sections abounding in iron and coal, and rich in all agricultural productions, its value becomes yet more imposing.

Third in the transportation facilities rank the canals. Of these there are three, two affording communication with the lakes and one with the eastern seaboard, giving the benefit of water carriage to the lakes or the east, where weight or other causes render it desirable.

A glance at the map accompanying this memorial presents at one view the vast transportation facilities here sketched enjoyed by the city of Pittsburg. The terminus of a grand railroad system now spreading its iron net-work over eight States, and yearly, by new connexions, reaching into fresh territory—the possessor of three distinct avenues of access by water to the ocean, capable of distributing to the north, the east, the south, and the west, by a simultaneous movement, without conflict of routes, confusion or crowding, either by water or rail—Pittsburg challenges, without fear of defeat, the ability of any point in the United States to overshadow, in transportation facilities, her claims as a site for a national foundery.

HEALTH.

Elevated 750 feet above the level of the ocean, and 180 feet above Lake Erie, Pittsburg is the healthiest city in the world. The average yearly mortality of American cities ranges from 1 in 24, (St. Louis,) 1 in 56, (Buffalo,) to 1 in 99, (Pittsburg.) The average of European cities is from 1 in 22 (Edinburg) to 1 in 44 (Geneva.) In all manufactories, the steady working of the employés and the regular running of the machinery counts largely in the estimates for cheapness. The depletion of a force of skilful hands by sickness, and substitution in their place of unskilled workmen, must necessarily result in many ways in a loss, not only in the increased cost from a diminution of articles turned out, but from injury resulting to machinery and tools, from the awkwardness of green hands. The great healthfulness of Pittsburg, as shown from mortuary statistics, presents clearly how free the workings of an armory located in that city would be from the obstructions and delays resulting from periodic or general liability to sickness among the workmen.

POWER.

No place in the Union furnishes as *abundant* and *cheap* motive power as Pittsburg. The supply of coal of the best quality is inexhaustible, and experience has demonstrated that steam is more certain and cheaper here than water power. If, however, the government should prefer water power, the Alleghany river, directly opposite and in immediate connexion with the grounds of the United States arsenal, which are located two and a half miles from the centre of the city of Pittsburg, will afford power more than sufficient. Islands are formed close to either shore of the Alleghany, and from the head to the foot of those islands there is a rapid fall. Large mills were at one time run in that location by water; but the proprietors abandoned its use and resorted to steam. The Monongahela river, slack-watered for the purposes of navigation by means of dams, furnishes, immediately opposite Pittsburg, a second large supply of water power. Among the sources of the anticipated profits to the company that constructed the dams was the sale of the power thereby created. Owing to the cheapness of steam and its greater reliability, this great water power, that in other places would be regarded as a source of wealth and usefulness, remains idle. The cost and supply of motive power must enter largely into any *proper* calculation in selecting a site for an armory, and on this very material point Pittsburg can have no rival.

MINERALOGICAL POSITION OF PITTSBURG.

Located in the very heart of the bituminous coal of the Appalachian field, which lies principally to the west of the Alleghany mountains, and extends from Towanda, on the northeast, to the southwest angle of Pennsylvania, a distance of 270 miles, Pittsburg possesses, to an inexhaustible extent, the great loadstone which draws to it all varieties of ores and the workmen therein—fuel, inexhaustible in quantity, unsurpassed in quality, and unparalleled in cheapness. Triumphant as is the position of Pittsburg in that life of the steam-engine, that magnet of ores—coal, it is equally powerful from the numerous choice and easily accessible deposits of iron ore, which are found in every county embraced in the bituminous coal region; and derives additional strength from the central position which she holds to the iron producing regions of Tennessee, Kentucky and Ohio; the metal of these States seeking in Pittsburg a market, especially available from the cheap natural transportation the river navigation indicated in her geographical position affords, and which also causes, assisted by her fuel, the rich ores of Missouri and Lake Superior to seek her furnaces for smelting.

Situated but 130 miles from the great chain of northern lakes, Pittsburg controls the production of the rich copper ores of Lake Superior, and draws to her very door, by the attraction of her coal and the power of her transportation facilities, the produce of the *choicest* of its mines; while the lead of Missouri, of Illinois, of Iowa,

and Wisconsin, flows naturally and easily to her lap over the rivers that centre there.

IRON,

Like coal, is one of the staples of Pittsburg. The supply is at all times abundant, and the variety great. Pittsburg draws her supply from eight various sources.

First. The Alleghany region, from whence she receives hot and cold blast charcoal metals, strong in wrought iron, and when gray making fine castings.

Second. The anthracite region. The metal of this region makes excellent castings when gray, and strong wrought iron when mottled.

Third. The Hanging Rock region, in Ohio, producing a fine quality of charcoal iron.

Fourth. From Tennessee, from which State large quantities of charcoal pig are brought.

Fifth. From the Juniata region of Pennsylvania, where a very superior and celebrated quality of charcoal metal is produced.

Sixth. From the section of country forming the counties in the northwest of Pennsylvania, lying along the Big Beaver and the Ohio line.

Seventh. From furnaces within the city of Pittsburg, using the choice ores of Lake Superior and Missouri, transported to the city in their natural state, and smelted here.

Eighth. From the Youghiogeny section of Pennsylvania, which is abundant in the argillaceous oxyd of iron.

From all these regions the facilities for transportation are, as already enumerated, excellent, and the metals are delivered at prices ranging from $15 to $30 per ton. Coke pig can be produced yet cheaper, and the manufacture of it is being largely increased. It is estimated that where, as is the case in Western Pennsylvania, ore coal and flux are mined out of the same hill, it can be made for $12 to $13 per ton at the furnace. Transportation to the city would be one dollar per ton, within 60 miles of Pittsburg, and near any of the rail or water lines of transportation. The amount of iron brought to Pittsburg annually and consumed is about 200,000 tons, in round numbers; being one-fifth of the whole amount yearly consumed in the United States, and one-third of the entire product as estimated in 1856. It is not the heavy deposits of ores that surround the city on all sides, and the natural flow to Pittsburg of the metals of the adjoining States, which alone give so much importance to the city as a metal market; but also the facility with which a great variety of metals can be obtained, and combinations thereof made to the best experimental advantage; thereby giving facility for the producing of iron of any degree of hardness, durability or tenacity, as has been shown by the unequalled durability and resistance of the cannon made in Pittsburg. There is no point in the country where the same wide choice of qualities is attainable; or where, should the government decide to smelt its own ores, so many varieties can be so cheaply

and easily collected. In its manufactured shape, iron in bar or sheet, in nail or spike, is turned out by the hundreds of tons daily from twenty-five mills, and can be purchased at prices beyond competition.

In dismissing our brief mention of the important subject of iron, we would refer to the heavy amount of capital invested by our citizens in the manufacture of this material; and proudly pointing to it as the great source of our prosperity, suggest that wherever private enterprise finds a remunerative reward for labor and investment, the government may safely trust the resources of the place.

STEEL.

The manufacture of this metal is one of the leading pursuits of Pittsburg, and the annual capacity of her factories for the production of steel is ascertained to be 5,350 tons of the best cast steel, 14,850 tons of all other kinds. The quantity is largely on the increase in this country, and the amount above stated can be furnished annually, with the present facilities at Pittsburg; which is by far the largest producing point in the United States of the various descriptions of steel. The quality is unsurpassed for excellence in the very finest grades of cast steel for tools, agricultural implements, and machinery, as well as for rifles and pistols, the best of which are made of decarbonized cast steel. For steel cannon, which in all probability will soon come into extensive use, the capacity will always be found equal to the demand. The prices range from 4½ cents per lb. for the lowest to 14½ cents for the best qualities.

COPPER.

This metal is also pre-eminently a Pittsburg staple. Several of the Lake Superior mines are managed and chiefly owned in Pittsburg, and large quantities of the ore are here smelted. About 1,700 tons of copper are annually refined for account of the mines managed in Pittsburg, being one-fifth of all the copper needed for consumption in the United States. About 1,000 tons of this is consumed by the braziers of the city, and the balance is sent to New York, and sold for home consumption and export. The quality of copper is largely varied. That of Lake Superior, being entirely free from foreign deleterious matter, is much more ductile, and its tensile power greater than that of South America or Cuba. A distinguished officer of our army, engaged in the manufacture of heavy guns, has pronounced the produce of the Cliff Mines, which is refined and rolled in Pittsburg, the best in the world for cannon.

FUEL.

Of this absolute primary element in successful manufacture the bituminous coal field of Pittsburg furnishes inexhaustible supplies. The bituminous coal field by which the city is surrounded is 15,000 square miles, or 8,600,000 acres. The amount of coal contained in that area it is difficult to estimate, for want of information as to the

number of veins to be found at the various depths worked by the English and French mines; but the upper or Pittsburg seam is estimated to contain in that area 1,498,464,000,000 bushels, or 53,516,430,000 tons. The quality of this vast store of fuel is so well known, that it is not necessary to enter into detail of its analysis.

It may be a matter of speculation to many why the copper ore of the mines of Lake Superior should be brought to Pittsburg to be smelted and refined, and why iron ore should be brought from Lake Champlain, from Missouri, and Lake Superior for the same purpose. The secret lies in the abundance and *quality* of our coal. It is a great mistake to suppose that *all coal will make good iron.*

Coal is found in many localities, which, while excellent for burning, ruins the iron smelted by it or worked with it. It is therefore necessary to a great iron manufacturing point to have not only fuel, *but fuel of the right quality, possessing the proper ingredients; otherwise it is worse than useless for manufacturing purposes.*

Coke is also a material that enters largely into the manufacturing of the different kinds of metals, and the coal of Pittsburg, especially of the Youghiogeny region, makes *the best coke in the United States.* In the immediate vicinity of Pittsburg there is also an abundant supply of coal that, in the raw state, is excellent for smelting iron. The prices of coal are, for best Monongahela, at river or railroad:

Slack coal	1½ cent per bushel, or	$0 40 per ton.
Nut coal	2½ cents per bushel, or	66 per ton.
Large coal	4¼ cents per bushel, or	1 12 per ton.
Coke	4 cents per bushel.	
Cannel coal	$2 per ton.	

To appreciate the foregoing prices it must be understood that fuel of the kind combining the qualities for both steam and smelting, which costs the Pittsburg manufacturer an average of about 80 cents per ton, costs the manufacturer at other points from $2 80 to $3 50 per ton. An ordinary sized rolling-mill will consume 850,000 bushels or 34,000 tons of coal per year. The saving to the Pittsburg mill owner is nearly $70,000 (seventy thousand dollars) annually. This is a large item, and should have great weight with the government in determining the location for the armory.

LUMBER

Is another article largely consumed in the operations of an armory, and of this Pittsburg affords an abundant supply at cheap rates. From the Alleghany river and its tributaries is furnished immense quantities of pine, poplar, ash, maple, oak, walnut, cherry, and curled maple. Over 140,000,000 feet of pine lumber are annually brought to market, in addition to which is the "cut" of oak and other woods.

The region of Pennsylvania penetrated by the Pittsburg and Connellsville railroad is also a fine lumber district, the woods being of unsurpassed quality, while around the headwaters of the Mononga-

hela there are large quantities of the finest of oak for ship-building purposes. This oak is noted for its great closeness of grain and toughness of fibre, and has been for years used in the construction of the river steamers, for the building of which Pittsburg has become famous.

In addition to these regions for the supply of timber, the Pittsburg, Fort Wayne, and Chicago railroad passes through large tracts of woodlands in Ohio and Indiana, furnishing oak, walnut, maple, and other woods, in large quantities, and of excellent grain and fibre.

The prices of pine lumber are $8 50 to $9 per 1,000 feet for common; for clear, $18 to $20; poplar, $9; oak, ash, and maple, $15; walnut, cherry, and curled maple, $18.

LEATHER

Is also largely used in the manufacturing armories of the government. Of this material Pittsburg affords an ample supply for home consumption, and exports besides about three-quarters of a million of dollars' worth annually. We may here remark that the government requires a certain *quality*, that cannot readily be obtained, which the leather manufacturers of Pittsburg have for a long time supplied for the use of the Alleghany arsenal, the officers of which establishment can testify to its quality and the satisfaction it has given. There are fourteen large tanneries in the suburbs of Pittsburg, having four hundred and seventy-seven vats, and their produce in tanned leather is about one hundred and twenty thousand hides of various kinds, annually. Among these establishments is one extensively engaged in the manufacture of patent leather.

AVAILABLE SITE OWNED BY GOVERNMENT.

About one mile east of the line of the city of Pittsburg is located the Alleghany arsenal, and in connexion therewith the government owns and has enclosed within its walls a fraction over thirty-seven acres of ground; and persons competent to judge of the wants of a national armory have estimated that the government would not need to purchase more than twelve or fifteen acres additional to answer all the demands of a large armory and foundery. The additional ground can be easily obtained at a reasonable cost, in close proximity to the government property, either below, along the bank of the Alleghany river, or back on the turnpike road opposite the government enclosure. The Alleghany Valley railroad runs through the arsenal grounds. A large amount of army work is yearly performed at this arsenal.

THE MECHANICAL AND MANUFACTURING CHARACTER OF THE CITY

Is also an important consideration, which, in the estimation of your memorialists, should weigh heavily in favor of Pittsburg. The mass of the male adults of our 130,000 population is made up of mechanics, workers in every branch of metals, woods, and leather; conversant

with the details of construction of a large variety of articles; skilful in the use of all descriptions of tools; men to whom the casting and finishing of heavy ordnance or the manufacture of small arms are matters of daily labor and year-long experience; men to whom the composition of metals and the construction of tools for their proper working in all varieties of shape are matters of daily study and yearly occupation; men whose knowledge of woods is only equalled by their skill in working them. We have founderies of iron and brass by the score, with every facility of construction, and hundreds of skilful workmen therein. We have copper-mills, iron-mills, steel works, and engine shops in large numbers. We have nail factories, spike factories, forges, wire factories, file factories, gun-barrel factories, pistol factories, rivet factories, nut factories, saddlery hardware factories, chain factories, and factories in a host of the smaller articles of iron and steel. We have wagon factories, car factories, saw-mills, planing-mills, saddlery and harness establishments, tanneries, patent leather factories, and numerous establishments in every branch of mechanical art, whose titles it would be purposeless to repeat, as those already enumerated will serve our object, which is to enforce the apparent fact that a great national foundery and armory located in a city so mechanical in its character would have always ready at hand any possible force of skilled workmen that the emergencies of the government might demand. At all times, without a day's delay, the force in any particular branch could be largely augmented without the necessity of sending abroad for workmen, or of providing them quarters when obtained. Instead of sending to distant points for such new tools or improvements or repairs on old ones as the establishment might from time to time demand, they can be constructed in sight of its walls, under the immediate daily superintendence of the heads of the departments where they are to be used. The iron, the steel, the copper, the leather, the wood, and other articles required by the different branches of such an establishment could be specially selected from large stores of all immediately at its doors. And the various metals, woods, or other substances could be furnished in just such forms or stages of manufacture as might be most desirable, presenting the option of a large saving in the erection of expensive works for such casting, rolling, boring, or cutting as is the daily routine of hundreds of Pittsburg manufactories and workshops.

Suggesting that in the location of a national foundery and armory at Pittsburg the work is already more than half done to the hands of the government, and many large and expensive departments, absolutely necessary to erect in conjunction with such an establishment in other locations, can be here dispensed with, they already existing at this point in the best forms and large numbers, leaving but the more scientific departments and finishing shops to build, your memorialists would therefore again repeat that, in their estimation, the mechanical character of our population and the number of workshops similar to those required by a national foundery and armory already existing here, should weigh heavily, if not conclusively, in favor of Pittsburg as a site for such an establishment.

In urging upon government the selection of Pittsburg as the location of not only a national armory but a national foundery as well, your memorialists have but briefly presented the more salient of the many advantages which, in their judgment, unmistakably designate Pittsburg as the proper location of such an establishment. Refraining from burdening their memorial with the great amount of details bearing forcibly upon the subject, they have also forborne from wearying your minds with the pages of statistics at their command. Our desire has been to present simply and clearly for your consideration the peculiar adaptation of the geographical position of Pittsburg for the site of such a national institution, and to claim your serious attention for its unsurpassed mineralogical position and surroundings; to enforce upon your minds, by diagram and description, how admirably the transportation facilities of the location second the geographical and mineralogical advantages; to represent concisely how the peculiar mechanical character of our population, the manufacturing scope of its establishments, and the profuseness of all descriptions of material necessary for the wants of a national armory and foundery, join in elevating Pittsburg above successful competition for the site of such a public work, if the question is decided solely and simply upon the actual merits of position.

Geographically central to the larger portion of the United States, mineralogically without a rival in the amount and variety of her ores and metals, statistically eminent in the numbers, power, and extent of her manufactories, renowned for the skill of her artisans in metals, pre-eminent in health, commanding in the nature, scope, and radiation of her transportation facilities, and triumphant in the singular force with which all advantages combine, your memorialists sincerely believe and candidly assert that Pittsburg is, in their judgment, the one distinctly marked locality for the erection of a national armory and foundery, and hope, by this simple announcement of facts, to imbue your minds with the same belief.

In every aspect in which the committee have examined the subject, there appears to be an accumulation of advantages here, *available at once to the government*, which we are of opinion cannot be found in the same desirable combination elsewhere in the country.

Upon the score of economy, arising from the abundance and cheapness of all the requisite materials, the vast amount of skilled labor here employed, the low price of all the necessaries and comforts of living, the security of our locality, and the loyalty of our people, all seem to point with unerring certainty to Pittsburg as the most desirable location for a national armory for the manufacture of all descriptions of implements of war.

The government has recently been taught some serious and novel lessons in reference to the safe custody of its public property. Can any department of it question the integrity of a section of the Union whose zeal, unanimity, and supply of military force at the call of their country in the hour of peril, has been so gloriously manifested? Do not these circumstances encourage us to expect full and fair consideration upon a national question like the present, and also give

full assurance that the establishment of a national armory in Alleghany county would be attended with the safety of the public property?

All of which is respectfully submitted.

WM. WILKINS, *Chairman.*
WM. ROBINSON, JR.
THOS. HOWARD.
GEO. H. THURSTON.
JOSEPH R. HUNTER.
FELIX R. BRUNOT.
JAS. M. COOPER.
CHAS. KNAP.
ISAAC JONES.
ROBT. T. KENNEDY,
Committee.

A western armory and foundery—Are they necessary?

Thirty-seven years ago, under James Monroe, President, and John C. Calhoun, Secretary of War, Congress passed "An act to establish an armory on the western waters." Under the act a commission was appointed, and three alternate sites, at and near the head of the Ohio river, selected for its location. At frequent intervals from that time to the present the necessity of such an establishment has been urged by the Presidents and heads of the War Department.

In 1836, Colonel Bomford, chief of ordnance, and Colonel Totten, recommended *two* armories and a foundery to be established on the western waters. General Lewis Cass, then Secretary of War, approved and urged the recommendation with conclusive arguments, differing only as to the number of armories, he thinking but *one* immediately necessary. General Jackson, the President, in his message transmitting the reports to the Senate, said: "I think it proper to add my concurrence to the views expressed by the Secretary." In some form he called attention to the subject in his annual messages of 1830, 1833, and 1835. In 1835, W. Cost Johnson, from a select committee, made an able and exhaustive report to the House of Representatives, in which he showed the establishment of the armory and foundery to be "not only expedient, but *absolutely necessary.*" In 1836, Richard M. Johnson, chairman of the Committee on Military Affairs, made a similar report to the Senate, with a bill to establish a national foundery. In these reports are found the letters of Macomb, Barron, Shubrick, Catesby Jones, Parker, Hull, Patterson, Mahlon Dickerson, and others, each arguing the importance of the proposed establishment.

President Van Buren, in his first message, advocated "the establishment of a manufactory of small arms west of the Alleghany mountains, upon the plan proposed by the Secretary of War, (J. R. Poinsett,) as tending to a much more economical distribution of the

armament required in the western portion of our country." He also recommended "the erection of a national foundery for cannon." In his message of 1837 he said: "The erection of a national foundery and gunpowder manufactory, and one for making small arms, (the latter to be situate at some point west of the Alleghany mountains,) all appear to be of sufficient importance to be again urged upon your attention." In short, among the records of every administration to the present day we can find some recommendation or recognition of the importance of having a national armory or foundery, or both, erected west of the Alleghany mountains. Most of the chief historic men of the country have, in their time, advocated their establishment. The pertinent question suggests itself—why, then, do they not exist? The answer is found in the insane jealousy of the respective competitors for the location, and a disposition of New England to retain a monopoly at Springfield. Members of Congress from the pine woods of North Carolina, the mountains of Tennessee, the prairies of Illinois, the wilds of Arkansas—wherever there was an ore bank, a waterfall, a coal vein, a lead mine, or a lime kiln—each claimed for his own locality fabulous manufacturing advantages, only awaiting the "fostering care of government" to develop them. The advocate of each failing to convince others of the superior claims of his constituency was willing to sacrifice the public interest rather than contribute to the success of his rivals. In the present fearful emergency, when the country is torn by civil war and threatened with destruction from abroad, it is believed that such motives will no longer be permitted to control the action of Congress.

A cannon foundery is distinctive from an armory in nearly all its requirements. The United States was among the first to decide on the importance of a *national* foundery. It is believed that every important nation on the globe has now one or more such establishments *except* the United States. Our public records abound in conclusive arguments to show the necessity of a national foundery, and but few persons, save owners of private works of the kind, have ever dissented from the proposition. Colonel Craig, late chief of the ordnance department, in his report to the Secretary of War, November 1, 1858, said: "Every day's experience is more and more convincing of the necessity for a national foundery of cannon and projectiles. The precautions which we are now compelled to adopt in order to insure, as far as possible, the use of safe and reliable materials for the fabrication of iron cannon, involve the same cost at each of the private founderies as would be required for a national armory of this kind. When multiplied by the number of private founderies where government cannon are made, and where the materials and manufacture have to be severally tested, the product shows a cost which forces of itself, exclusive of other manifest considerations, an ample argument in favor of the erection of a national foundery. This is a matter which has been fully investigated and frequently considered by Congress, and I believe there has been little, if any, diversity of opinion in regard to its expediency."

Arguments on the subject and facts to enforce them can be ex-

tended indefinitely. We give a single illustration of the importance of a national establishment for experiment and improvement. In 1838, Walter R. Johnson, in a letter to the Senate committee, advocating such an establishment, said : "That *cannon cannot be well cast with a core* is a negative proposition, on which the present practice is founded of casting them *solid*—a practice which, in the case of a 42-pounder, involves the tedious and expensive removal of more than *twelve hundred pounds* of solid cast iron, or more than *one-seventh* part of the whole weight of the casting. * * * The guns are *probably weaker*, more liable to oxidate and scale, and the boring process is expensive in respect to materials as well as to time and labor.

"That *heavy guns cannot be cast with sufficient accuracy, smoothness and sharpness of outline, to preclude the necessity of turning, to give an exterior finish*, is another negative proposition now assumed in practice, but of which the demonstration seems to be wanting."

The first of these improvements has been made in a private foundery, and is *patented*. In regard to the second suggestion, the latest invention is to turn from the outside of the Dahlgren gun casting nearly one-third of its weight. To perfect its ordnance as to materials, endurance, form, and cost, is an important use of the national foundery.

Is there aught in the present condition of the Nation to indicate that on this subject the opinions of our great men were erroneous? On the contrary, the enormous westward growth of population, the destruction of the armory at Harper's Ferry, the necessities and deficiencies of the present time, unite to prove that they were right, and warn us to set about the neglected work at once. Had there been an armory and a foundery at the headwaters of the Ohio, and an arsenal in the northwest, we believe our troops to-day would have been occupying every city from Cairo to New Orleans ; and Tennessee, Louisiana, Arkansas, and probably Texas, would have been controlled by the federal government. It is said that Springfield can be extended so as to furnish all the small arms needed. Harper's Ferry, with like extension, could have done the same. But Harper's Ferry is destroyed. Who can say that Springfield is indestructible? "*Ab actu ad posse valet illatio.*" What has been, may be. It does not become this great nation to ignore the lessons of the past or the present. With a single armory, which either accident or design might destroy, whatever may be its capacity, we are not safe. Even were it free from domestic dangers, it must not be forgotten that its proximity to the sea-coast presents inducements to a foreign foe to make whatever sacrifices might be necessary to accomplish its destruction. There should be another of equal capacity somewhere else. What is there to prevent? A miserable fit of false economy in Washington city? The augmented price already paid for arms, in consequence of not having the proposed works, would have erected them on the grandest scale.

What are the few hundred thousand dollars the proposed establishment will require, compared with the resources of the country, and the magnitude of the interests at stake? Erect an armory and a foundery on the western waters, fill them with the necessary furnaces and

machinery, and though you may never kindle a fire or turn a wheel in them until a British fleet is seen sweeping over the lakes to your northern frontier, it may prove to be the salvation of the nation. England has just taught us the lesson that the kingdoms of Europe hold themselves always in readiness to take advantage of our weakness. The United States has demonstrated that she is stronger than any of them in *men*. Let her make herself equally strong in arms and munitions of war, and the means by which to provide them, and she may rest assured that the whole world will keep peace with her.

Did the opinions of Jackson as to the necessity of a western armory and foundery have partly their origin in the dangerous spirit of South Carolina, and were his recommendations founded on a prophetic foresight of the present? Who can say they were not? And who can excuse the failure or neglect of national rulers to carry out measures which they so often approved of? Let us away with the wretched spirit of jealousy and rivalry as to location, which has been the obstacle. Set about the work at once—somewhere—anywhere—only do it.

Should the western armory and foundery be located at Chicago?

DEAR SIR: Your committee appointed to "examine and analyze the memorial of the citizens of Chicago setting forth the advantages of that city as a site for a national armory and foundery," report:

That owing to the fact that the Chicago memorial professes to draw a parallel between the advantages of that city and Pittsburg, greatly exaggerating those of the one, and undervaluing and misrepresenting the other, we have been induced to say more in regard to Pittsburg than the terms of our appointment seem to require. We have, however, confined ourselves to the points made by the memorial, and have by no means given a full statement of the advantages of the Iron City for the establishment of a national armory and foundery.

We entered upon the duty assigned to us, divested, as far as possible, of local prejudices, and willing to assent to the conclusions of the citizens of Chicago, if the facts and arguments presented by them justified us in so doing. In a matter so vital to the future welfare of our country, and the preservation of its liberties, as the location of the proposed armory and foundery, no patriot should suffer himself to be biased by local interests. In a time of fearful exigency like the present, no true patriot can be so biased. If, in this spirit, our plain deductions from the statements of the memorial, our corrections of its errors, and the comparisons necessarily instituted, have convinced us that the public interest would be sacrificed by the erection of an armory and foundery at Chicago, and confirm us in the belief, which has existed in the public mind for forty years, that Pittsburg is the

best place on the continent for manufactures of iron, it is because such a conclusion is inevitable.

THE GREAT NORTHWEST—ITS PLEA.

The memorial sets out with a statement of the troops sent from the northwest, and a comparison of the population and relative increase of the western and eastern States, including Ohio with the former, and Pennsylvania with the latter. It speaks in terms of pride of the abounding wealth of this vast region, and of the magnificence of the commerce in which Chicago so largely shares. The writers of the memorial can hardly look with more satisfaction on all this than we, for on the advancement of this great west, we and they are alike dependent. They owe their prosperity to being the factors and merchants of this vast region; Pittsburg owes hers, in a great degree, to being its iron manufacturer. The argument of population, then, justly used, is against the claim of the memorial. If the people of the west (including Chicago) go elsewhere for their bar iron, steel, and the fuel to work it with, certainly it must be because these articles do not exist, or cannot be economically produced in Chicago; and the larger the population, the stronger the argument against that city as a suitable location for works which make these articles their raw material. That they do not manufacture iron and other metals, to any great extent in the northwest, is admitted.

The memorial seems to present its table of population chiefly to support the following deductions, which we quote:

"Justice and good policy require of the government as equal a distribution of arms, *and its expenditure for their manufacture, in the different sections of the Union, according to population*, as can be conveniently and safely effected." Page 4.

And on page 7:

"It is true that manufactures of iron and other metals have not, as yet, been established in the northwest, on a scale so extensive as in old or eastern States; but as the crude materials and the mechanical skill are found here, and *only require the fostering care of government* to develop vast resources, we conceive this fact, so far from being an argument against our request, is, indeed, a strong reason why an armory and foundery should be located in this region."

The idea of equalizing the distribution of government expenditure, according to population, cannot properly enter into the decision of this question, which is a totally different one from that of constructing roads or defences, or distributing a treasury surplus. If it could, we might point to Pennsylvania, with New York, Ohio, Maryland, and Western Virginia, clinging about her and say: "here are more than ten millions of your people, we demand that our share of this money shall be expended here." Your committee reject such arguments. Every citizen is alike interested in having the arms for our common defence made and distributed in the best and cheapest manner possible. On this basis alone should the location be made, and

distribution of public patronage should have nothing to do with it. Virginia, a few years back, clamored for her share of government expenditure, and an armory was placed at Harper's Ferry. It is gone now, and with it, we believe, has departed the potency of the argument which led to so unsuitable a location.

The admission of the second paragraph quoted, that private enterprise, which collectively never errs, has not availed itself of the alleged iron advantages of that city, would prove at once that Chicago is not a suitable place for the proposed works, were it not that subsequent pages are devoted to contradicting it. The plea based on the admission that Chicago "requires the fostering care of government to develop vast resources," instead of being a "strong reason," seems to us so absurdly heretical as to be devoid of reason. The government fosters the manufacturing interests of the country by judicious legislation, in the benefits of which all share. Our laws are meant to be equal as far as human wisdom can make them so. When Congress appropriates the public money to develop the iron manufacturing resources which individual enterprise has failed to develop in Chicago, it must be at the sacrifice of the principle of equal laws on which the government is founded.

There is nothing else in this part of the memorial which requires notice, except the attack upon Pittsburg; and to avoid repetition, we will consider that elsewhere, under the heading of "Security and Geographical Position."

IRON.

The second division of the memorial concerns "*material required in the construction of works, and in the manufacture of arms and ammunition.*"

The important item is iron. The key-note is contained in the first sentence, which says: "Without fear of comparison, it may be said that no city on the continent possesses equal advantages with Chicago as a point for the iron manufacturer, and this whether we consider the varieties of metal to be had, their unlimited supply, or the cheap rate at which they can be delivered here." To prove this assertion, then follows an enumeration and statement of the qualities of iron, which it is asserted can be taken to Chicago, so as to justify the preliminary claim: I. Lake Superior; II. Missouri; III. Pennsylvania and New York; IV. Ohio; V. Tennessee; VI. Indiana; VII. Wisconsin; VIII. Scotch pig.

I. *Lake Superior iron.*

Of these Lake Superior seems to be the chief reliance. Passing by the fact, which is proved by your committee on iron, that the Lake Superior metal will not make cannon, we remark: 1st. That notwithstanding the asserted proximity of Chicago, nearly all the iron made on Lake Superior is consumed in Pittsburg, Detroit, and Cleveland. 2d. That more than three times as much of the ore of

Lake Superior is smelted in Pittsburg and its vicinity, as is smelted at the mines or on the shores of Lake Superior; and not a pound of the oar is smelted in the city of Chicago or the State of Illinois. Our Pittsburg manufacturers bring the ores of Lake Superior, of Missouri, of Canada, and Lake Champlain, to this city, and by means of our cheap labor and excellent fuel convert them into metal here at a less cost than it can be made for at the mines. In 1859, forty vessels were employed in bringing us the Lake Superior ore; in 1860, over seventy, and in 1861, the number is largely increased. None of them bear their treasure to Chicago, with its "superior advantages for manufacturing iron to any city on the continent." Why is it? Simply because the advantages exist only in the imagination of the authors of the assertion quoted. Lake Superior iron, or Lake Superior ore, will never go to Chicago to be manufactured, because the proper fuel does not exist there. If the fuel could be economically transported to the iron, then the coal would be carried to Marquette, instead of the ore being brought to Ohio and to Pittsburg. What is true of the ore and coal, must be true, in a still more striking degree, of the pig metal to be reduced to other forms, for the disproportion in bulk between them is greater. But even if it were possible to transport economically the coal and the iron to some half-way station, a glance at the map will show that Chicago is not the place. The vessels would meet midway on their journey to Chicago, and traverse side by side the straits of Mackinac and the whole length of Lake Michigan. To what end? To foster the imaginary resources of Chicago at the expense of the government.

II. *Missouri iron.*

This iron is also justly praised, but the memorial, with its usual accuracy, says:

"Their 'best charcoal No. 2 iron' is the kind almost exclusively used by the Pittsburg manufacturers, even at the long distance of transportation, for making their No. 1 boiler plate, and other tough irons. This iron can now be had at the mines at the low price of $16 per ton, and the freight will not exceed $5 per ton, making this valuable iron cost, delivered in Chicago, from $20 to $22 per ton."

We produce here over 10,000 tons annually of boiler and sheet iron alone, to say nothing of other tough irons, while the entire production of the Iron Mountain and Pilot Knob furnaces is less than 10,000 tons, of which the "No. 2 charcoal" is but a small portion; hence, there cannot be very much taken to Chicago. The cost of delivering it there, if government should create a demand, is necessarily given as a surmise at $5. We state, as the experience of years, that it costs from $3 to $5, according to the season, to deliver it here, and that this city is its great market. The ore is also brought here in quantites, and made into iron cheaper than it can be made at home.

III and IV. *Soft New York and Pennsylvania and Ohio irons.*

The localities indicated by the names, show that these can be brought to Pittsburg more cheaply than taken to Chicago, and the fact exists that nearly every brand of their iron is constantly on sale in this market.

V. *Tennessee.*

The statement is that this metal can be bought in Chicago at $20 per ton. The cost of freighting it to St. Louis, we remark, is about the same as to Pittsburg. The freight between St. Louis and Chicago, a few sentences back the memorial estimates at $5 per ton; hence, the iron must cost $5 more per ton in Chicago than in Pittsburg. Your committee account for the low price named, by supposing that some unfortunate furnaceman, attracted by the proclaimed advantages, sent a few tons of his metal to Chicago, and finding no demand, offers to sell at a sacrifice. Be this as it may, we have before us sales of Tennessee iron in this city during the last two months, amounting to over 700 tons, at $19 per ton. We have far larger sales of better brands considerably below that figure.

VI and VII. *Indiana and Wisconsin.*

These comprise the product of two or three furnaces. The former, the memorial says, is used for "light castings;" of the latter, "it is a soft, brittle iron." The description indicates their value to a national foundery and armory.

VIII. *Scotch pig.*

Which possesses precisely the qualities of some of our home irons, is not valuable to the manufacturer of bar iron, and is in no case used for making cannon. It can be bought here as cheaply as in Chicago.

The concluding paragraph tells us: "The cost and supply of steel and wrought iron are proportional to those of cast iron;" and naively adds, "it will not be necessary to go into details on this subject." The details would show that the supply of these articles is nearly all purchased in the city of Pittsburg. To illustrate further the absurdity of the Chicago pretensions, we quote from the letter of a member of the committee to Hon. J. K. Moorhead, which disposes also of the *lumber*, *copper*, *skilled labor*, *health*, *food*, and *population* claim of the memorial:

"There is a greater variety of pig metal sold in Pittsburg than in any other market in the United States. The number of the *best* brands found here is greater than in any other market, and their average price is lower than anywhere else. To illustrate: Scotch pig may possibly be cheaper in New York city; Tennessee may be cheaper on the Cumberland river, and Lake Superior at Marquette; but the three brands are always found side by side in Pittsburg, at a lower price than they ever can be at the point of production of either.

The mixture of the three makes a better iron than either alone. The strongest metal is made from mixtures. Each manufacturer of bar iron, castings, or steel, by mixing the product of different furnaces in proportions, the result of his own experience, is able to produce an iron exactly suited to its intended use.

"Mr. Isaiah Dickey, iron commission merchant, informs me that while receiving consignments from Tennessee and from Georgia, he shipped the Georgia metal, before removing it from the landing, back to a founderyman in Nashville, Tennessee. The explanation is that the founderyman needed metal possessing certain qualities with which to modify peculiarities of the Tennessee iron, and sent his order to Pittsburg. The merchant knowing the Georgia metal to possess the required qualities, immediately started it back over the route it had just travelled. This fact illustrates, at the same time, the importance to the manufacturer of access to the different brands, and the fact that Pittsburg is the place to which he naturally sends his order, knowing that here every variety is found. That it is essential to the success and proper economy of a foundery and armory that it should be located in the midst of the greatest variety of irons, is well understood by ordnance officers, and is proved by their recorded experience."

BAR IRON AND STEEL.

"The poduction of bar iron in Pittsburg is far more than double that of any other city in the Union; and there is more steel made here—exclusive of the puddled or semi-steel—than in all the other cities of the United States together. We produce steel of qualities adapted to every purpose, from the finest cutlery and small arms to rifled field artillery. Several of our establishments have been entirely successful in making cast steel cannon. The opinion is growing among ordnance officers, both in Europe and America, that the time is not distant when most of the field artillery and much of the light naval armament of the world will be of steel. The great Prussian manufacturer, Krupp, has demonstrated that it is altogether the most durable and the safest material—advantages which more than compensate for the increase of cost. Its great strength will allow cannon to be made as light as is desirable. Puddled steel, which is also coming into use for ordnance, is extensively produced—and Pittsburg has a greater number of furnances, such as are used in its manufacture, than any other city. For the cheap production of ingot or rolled copper, and the excellence of the quality produced, Pittsburg is not excelled elsewhere."

TIMBER.

"A circle drawn with a radius of say seventy-five miles, Pittsburg being the centre, contains more valuable timber, and of greater variety, than is found in an equal area around any city west of Pennsylvania. The region included, embracing as it does the alluvial bottom of three rivers, part of the Alleghany mountain slopes and

summits, and extending into the region of the northern pine, furnishes the oak, walnut, maple, hickory, ash, beech, elm, chesnut, pine, &c., in the greatest perfection."

LEATHER.

"The same area produces more tanned leather (an indispensable war material) than any similar area in the west. The hides of which it is manufactued are mostly brought from west of the Mississippi, to reach our cheap labor and abundant supplies of bark. There is no equal area of country, with better or cheper transportation facilities, from its centre to all its parts."

EXPENSE OF LIVING.

"The *expense of living* is as low in Pittsburg as in any other city west of the mountains, and lower than any west of Columbus. This is sufficiently proved by the cheapness of labor, the general comfort in which our mechanics live, and the comparative low price at which the product of our workshops is sold."

SKILLED LABOR—POPULATION.

"In the supply of *skilled labor in iron*, Pittsburg offers advantages which cannot be equalled elswhere. In showing this fact, it is necessary to correct an important error as to the population of our city, which exists in some quarters. The Chicago committee state it at 49,220. The corporate limits of Pittsburg comprise the triangular space between the Alleghany and Monongahela rivers. This space was fully populated years ago, and is the Pittsburg of the official census reports. Adjoining and surrounding it on all sides are the various boroughs and thc city of Alleghany, the whole making up what is commonly known as Pittsburg. Alleghany alone contains 31,536 inhabitants; Manchester, Birmingham, Lawrenceville, and the other manufacturing suburbs, have 31,845—making the total population of Pittsburg 112,591. With this correction, it is a pleasure to accept in population, as in all other things, the comparison which our Chicago friends have so happily instituted:

Population of Chicago	109,263
Population of Pittsburg	112,591

"This increase," says the Chicago Committee, (page 16,) "so largely in favor of Chicago over other cities, it is claimed is on account of her central position, ease of access, and many avenues to concentrate to and distribute from to a very large territory, embracing several States"—or, in other words, her *commercial facilities*. The increase of population in Pittsburg is due soley to her *manfacturing advantages*, incidentally including cheap and rapid transportation to all parts of the country. In Chicago (page 16 of memorial) there are 2,866 hands employed in iron works, steam engines, &c. In Pittsburg there are over 12,000 hands working in iron alone. Yet our

Chicago friends, (on page 21 of their memorial,) after claiming superiority over the iron city in all other particulars, say "in supply of skilled labor we are fully equal to Pittsburg." Your committee, indorsing the facts and figures of the above extract from the letter to Gen. Moorhead, leave them to suggest their own inferences, and proceed to the consideration of the next important item.

HEALTH.

Pittsburg is free from epidemics and malaria. Her health statistics show a result so superior to that of any other city as to astonish those who have not by actual residence acquired a personal knowledge of the fact. This superiority, attributable, probably, to the peculiarity of her atmosphere, added to advantages of location and climate, is perhaps the reason why the memorial omits Pittsburg in the table of health statistics. From the careful statement of Dr. J. L. Duncan, physician to the Board of Health, the deaths in the city of Pittsburg, including still-born and accidents, were—

	Per cent.
In 1856	1.48
1857	1.59
1858	1.45
1859	1.39
1860	1.42

The average for the five years is 1.46 per cent. According to the memorial, the Chicago average for the same time is two per cent.

The mortality table of the memorial makes Chicago superior to all other cities in this particular, and equal to Philadelphia. In view of the prevalence of malarious diseases in Chicago, we apprehend there is a mistake somewhere.

FUEL AND MOTIVE POWER.

Under the heading, "Supply and cheapness of motive power," the memorial begins thus: "The coal required for the armory and foundery would be (unless the government means to smelt its own iron) *for the purpose of motive power;*" and then comes a glowing description of the coal fields of Illinois, the richness of which, they say, has been proved beyond question by several learned professors. That the government *may*, in the future, wish to smelt its own iron is an important consideration in locating the works. If, as is here implied, our Chicago friends have discovered a mode of melting iron for cannon, or forging gun barrels and the various parts of small arms, without fuel, we yield the matter at once, for in this city we cannot even make a horse-shoe without heating the iron. If, on the other hand, they do use coal for these purposes, why not use their own, which is so *rich* and so *cheap?*

WHERE CHICAGO GETS COAL.

From the report of the Board of Trade, we learn that there was received in Chicago, during the year 1860, 131,080 tons of coal, *from all sources.* Of this, the small quantity of 13,424 tons was received by railroad and canal from the Illinois coal field. The rest, being 117,656 tons, was received by the lake, and *came from the coal fields of Penhsylvania and the adjoining county of Mahoning, in Ohio.*

From page 4 of the Chicago memorial we copy the following statement:

"The coal is of the bituminous variety, and contains from forty-eight to sixty-two per cent. of fixed carbon. The price at Chicago is—

Pure lump, per ton	$2 00
Nut size of same	1 50
Fine	1 25

The best qualities of Ohio coal are sold at Chicago for $3 25 to $3 50 per ton in large lump, and in form suitable for blacksmithing and smelting, at from $2 25 to $2 50 per ton; the best Lehigh large lump, $5; Pittston, Scranton, ——; River Lehigh, $4; fine, of best quality for blacksmithing, $2."

And, in contrast with this, we copy from page 54 of the "Annual report of the Chicago Board of Trade, January, 1861," the following table, remarking that to the price by cargo must necessarily be added the cost of delivery. "Hard" means anthracite.

Table showing the prices of coal by the cargo and yard prices, monthly, in 1860.

Month.	Date	Price by cargo. Bituminous.	Yard priees. Bituminous, at retail.	Yard prices. Hard.
January	1	.....	$5 75 to 6 00	$7 75 to 8 00
February	1	.....	5 75 6 00	7 75 8 00
March	1	.....	5 75 6 00	7 75 8 00
April	1	$3 63 to 3 85	5 75 6 00	7 75 8 00
May	1	3 55 3 60	5 25 5 50	6 25 6 50
June	1	3 45 3 50	5 25 5 50	6 25 6 50
July	1	3 45 3 50	5 00 5 25	5 75 6 00
August	1	3 45 3 50	4 50 5 00	5 75 6 00
September	1	3 75 3 80	4 50 5 00	5 75 6 00
October	1	4 15 4 20	5 00 5 50	6 00 7 00
November	1	4 50 4 75	5 50 6 00	8 00 10 00
December	1	.....	6 00 6 50	10 00 10 50

Your committee accept the table as strictly correct, and deem it unnecessary to enlarge upon the inference which inevitably follows a comparison with the figures of the memorial.

The price of coal in Pittsburg is:

Large lump	$1 12 per ton.
Nut coal	66 "
Fine	40 "
Cannel coal	2 00 "
Coke	4 per bushel.

Nor are these prices for an inferior article, but for the best fuel in the known world.

We conclude our comments on coal with a further quotation from the letter to General Moorhead:

"Pittsburg coal is found in every port from Buffalo to Superior City, from New Orleans to St. Paul, either for consumption or in progress of transportation from the rivers to the interior."

WHERE ST. LOUIS, PEORIA, AND ROCK ISLAND GET THEIR COAL.

"*Pennsylvania*, and the adjoining county of Mahoning, in Ohio, *supplies the coal which is used to smelt iron ore, or melt pig metal, in all the cities and towns west of this State.* Mr. J. B. Morgan, jr., one of the numerous dealers in coke, writes to me: 'I ship coke by railroad to the following, among other points: New Brighton, Salem, Massillon, Canton, Mansfield, Galion, Lima, Newark, Columbus, Piqua, Urbana, Cleveland, Monroeville, Dayton, Springfield, Kenton, Frederickstown, Sidney, Mount Vernon, Martinsville, Richmond, Indiana, Fort Wayne, Indianapolis, and Chicago, Illinois.' Mr. William H. Thompson, of the Vulcan Foundery and Machine Shop in Rock Island, Illinois, in a letter about supplies of coke, of the 18th November, says: 'I have had coke from Pittsburg both by river and rail, (1,500 miles by river and 700 by rail.) * * * I had to pay one hundred and sixteen dollars for freight alone, on five hundred bushels, which makes very expensive coke.' A highly respected firm in Peoria, Illinois, writes October 2, in reply to mine: 'We called on one of our principal founderymen; he says they use the anthracite or Lehigh coal for melting, and the Blossburg, Pennsylvania, coal for blacksmithing. The Illinois coal is too full of sulphur for any use, except for country blacksmithing. * * * He thinks the quality of our coal is about the same as the Rock Island.' The founderies and machine shops in the west which do not use Pittsburg coal or coke substitute anthracite coal from eastern Pennsylvania. Even the memorial of the citizens of Chicago, setting forth the advantages of that city as a site for a national armory and foundery, recognizes the fact (on page 18) where it gives the prices of Ohio, Lehigh, Pittston, Scranton, &c., and designates them as *suitable for 'blacksmithing and smelting,'* at from two to five dollars per ton. The Illinois coal, 'the richness of which for steam and motive power is established beyond question,' is quoted at $1 25 to $2 per ton. That which is, to quote their own words, 'suitable for blacksmithing and smelting comes

from Pennsylvania.' The government cannot establish a foundery and armory west of the Pittsburg coal field without being dependent on that field, or the more distant anthracite region, for its fuel. It *must* come to Pittsburg for all the coal to melt its metal or work its forge fires. Even the most inferior quality of coal for raising steam costs, in Chicago, thrice as much as engine coal does delivered at the furnace doors in Pittsburg."

FIRE-BRICK AND BUILDING MATERIALS.

For lining blast furnaces, melting furnaces, &c., the only really good fire-bricks west of the mountains are produced around Pittsburg. Chicago is supplied from this city and from New York. The furnaces at the Iron mountains in Missouri, when the writer was last there, were lined with Pittsburg bricks; and the fire-bricks used on Lake Superior are transported either from Pittsburg or the State of New York. The item is omitted in the Chicago memorial; and to show its importance to an iron manufacturing city, we state that, in 1857, (the last year of which we have the accurate figures,) the annual consumption in the Pittsburg rolling mills alone was 2,095,000 fire-bricks and 5,040 tons of fire-clay. The bricks cost from $9 to $30 per thousand.

In stone, brick, lime, sand, lumber, and iron for building, Pittsburg abounds, and all her materials are excellent and cheap.

CHICAGO'S GEOGRAPHY.

We come now to consider the memorial headings, "*Geographical position of Chicago and means of communication with other points,*" and "*Security from attack by foreign or domestic enemies,*" and, under this heading, a paragraph on the sixth page, before alluded to. It states that the northwest has been neglected, and cannot be compensated for the neglect—

"By establishing another national armory in any of the eastern States, even if located at Pittsburg, on the western slope of the Alleghanies. If the situation of Pittsburg were farther removed than it is from the boundaries of the States in rebellion, and from Harper's Ferry, where an armory was captured, without an effort from loyal States made for its defence; if the navigation of the Ohio river were less uncertain, and the single trunk of railroad connecting that city with the west less exposed than it is, it would be still true, that, so far as the northwestern States are concerned, they can be more surely, cheaply, and rapidly supplied with arms from New York or New England, than from that point."

We have suggested elsewhere that the proposed armory and foundery is not projected for the purpose of distributing public funds "according to population," nor to "develop manufacturing resources" of a particular city; so neither is it to compensate any section for real or supposed neglect. To common sense, any argument on this proposition is unnecessary.

How much truth there is in the rest of the quotation we will show.

We have before us a statement exhibiting the stage of water in the Ohio river for eleven years, which gives an average of 109 days in each year as too low for ordinary freighting; 47 days of which admitted of navigation by small steamers. According to a statement made in 1857, by Hon. J. K. Moorhead, president of the Slackwater Navigation on the Monongahela, during ten years that river was obstructed by ice an average of 15½ days per annum; and "the Ohio was obstructed by ice nearly the same length of time." The lake navigation to Chicago is usually closed for the winter about the 10th of November, and resumed about the middle of April—an interruption of over five months. The Ohio river is then useless for navigation 77 days, and the lake route to Chicago over 150 days per annum. The Ohio river is susceptible of being made continuously navigable through the year, and probably will be so improved—the lake can never be changed.

As to the "*single trunk*" of railway from Pittsburg to Chicago: the map *which accompanies the Chicago memorial* shows four trunk lines by which we can reach Chicago. When our partially completed roads are finished, five roads leading towards that city will leave Pittsburg, and each connect with the railroad net-work of the west. A glance at the *same* map shows *a single railway line* from Buffalo to Cleveland, close along the lake shore, and exposed at a hundred points to attack from a northern foe. When the lake navigation is open, Pittsburg is 140 miles distant from it at Cleveland by rail; New York city is 459 miles from it at Dunkirk, which is still 143 miles further from Chicago than is Cleveland; West Point, New York, is 326 miles from it; and Springfield, Massachusetts, is 400 miles from it at Buffalo, which is still 183 miles east of Cleveland.

The rail time between Pittsburg and Chicago is 18½ hours; between New York and Chicago it is 36 hours. With all these figures, accessible to every one who can read a traveller's guide, the memorial asserts that "the northwestern States can be more *surely*, *cheaply*, and *rapidly* supplied with arms from New York or New England, than from Pittsburg!"

On page 9 we have the following table:

To Cairo from Chicago, 365 miles; from Pittsburg, 686 miles.
To St. Louis from Chicago, 281 miles; from Pittsburg, 630 miles.
To Quincy from Chicago, 268 miles; from Pittsburg, 648 miles.
To Rock Island from Chicago, 183 miles; from Pittsburg, 650 miles.
To Dunkirk from Chicago, 188 miles; from Pittsburg, 655 miles.
To Prairie du Chien from Chicago, 249 miles; from Pittsburg, 707 miles.
To La Crosse from Chicago, 280 miles; from Pittsburg, 747 miles.

We have shown elsewhere that the material used in an armory at Chicago would go from Pittsburg or the east; and we accept the above table, without examination into its accuracy, to show that from all points in the west south of Chicago the distance which the iron and steel must travel, either in the bar or finished implement, would be increased by manufacturing it there. For example: Pittsburg to

Chicago, 467 miles; thence to Cairo, 365 miles; total, 865 miles; from which deduct 686, and the extra distance is 146 miles. For a statement of the transportation facilities of Pittsburg to all parts of the country we refer to the Pittsburg memorial to Congress.

SECURITY.

The remaining topic of the memorial is "*securitg.*" Absolute security from foreign attack should, we think, be a *sine qua non* with the government in selecting the location. Our own government has just illustrated against Port Royal what can be done by even a wooden fleet. With this experience before us, and in view of the late experiments in iron-clad vessels, we cannot think the government will ever establish an armory and foundery on the lake shores. Certainly it ought not to be thought of while England holds the Canadas. The memorial tells us, "Lake Michigan can readily be rendered inaccessible to hostile fleets by fortifications at the Straits of Mackinac;" but that is not conclusive. General Lewis Cass, (than whom there can be no better authority in aught that concerns the northwest,) in his able report on coast defences, made while Secretary of War, said: "As to the Straits of Michilimackinac, they are too broad to be defended by stationary fortifications."—(24th Cong., 1st sess, doc. 243.) If it is said the improvements in ordnance and the range of projectiles modify General Cass's conclusion, it may be replied that the improvements which render vessels invulnerable more than compensate, and his opinion is still correct.

Chicago is, perhaps, the least defensible of all the lake cities. The country on the edge of which it is situated, says the memorial, (page 5,) "is a vast plain, without natural barriers to defend it, or any of those mountain fastnesses which in other countries have often proved the strongholds of liberty and national independence."

Pittsburg, as any one is aware who has ever entered its vicinity, is precisely one of those strongholds. Situated nearly 400 miles from the seaboard, and over 100 miles from the lake shore, separated from the former by mountain chains, and from the latter by a rugged country, with hundreds of intersecting streams, either of which could be made the grave of an invader, should his armies escape the perils of landing on our shores, it is inaccessible to a foreign foe. Besides this, its peculiar situation among the hills, easily approachable only by the valleys of its three rivers, adapts it for defence in a remarkable degree. Three of these overlooking hills command every possible approach, and a few weeks labor in fortifying them would render the place absolutely impregnable. The commission of army officers employed to examine it in June last pronounced it naturally the strongest position they knew of in the country. The report is on file at the War Department.

INFERENCES.

After what has been said, you will listen with astonishment to the following extract from the last page of the memorial:

"By those who may take the pains to compare the figures we have given with the statements of the memorial of the citizens of Pittsburg, it will be perceived that, in regard to building materials, lumber, iron, copper, lead, coal for smelting, provisions, transportation, and security, the advantages are in favor of Chicago. In supply of skilled labor they are fully equal, while as respects motive power alone Pittsburg has the advantage in the cost of bituminous coal. It requires but a little calculation to show that this difference in the cost of coal for one purpose is more than counterbalanced by the other considerations which we have named."

We are at a loss which most to wonder at, the recklessness of the assertion, and the boldness of the inferences of the memorial, or the child-like faith of its authors in the want of intelligence of those to whom it is addressed.

Chicago claims to be the largest grain and lumber market in the west, and all will admit the claim. Unfortunately for their ambition, Rodman and Dahlgren guns are not made of corn, nor are rifles and sabres made of pine boards. When they come to be made of these materials, Chicago may properly be selected as the site for a national armory and foundery.

Leading branches of manufactures, as well as of commerce, aggregate in the locality best suited to them. The government has, in this fact, an unerring guide to the proper location for its works. That point which has attracted to itself the greatest number of like establishments, must be the best for any manufactures of iron. The collective judgment of men, guided by self-interest, never errs, and their cumulative testimony of fifty years proclaims PITTSBURGH pre-eminently the IRON CITY.

Your committee remark that in this memorial there is a confusion as to the purposes of a foundery, an armory, a fort, and an arsenal. Our western friends certainly know that an armory is not a fort, and that an arsenal is not necessarily a founedry. We agree with the memorial, that Chicago should be defended by a fort, or works of some kind, and that the northwest should have an arsenal for the deposit and distribution of arms. The arsenal should be on Rock Island, which is a better point than Chicago for distribution, south and north, is far enough from the lake shore to need no forts to defend it, and is in every way calculated for that purpose. We hope that the same legislation which establishes an armory and foundery at the most suitable place, will locate an arsenal on Rock Island.

All of which is respectfully submitted.

FELIX R. BRUNOT,
JAMES M. COOPER,
GEO. H. THURSTON,
Committee.

DECEMBER 26, 1861.

The following letter relative to the location of a national armory and foundery, from the Hon. Judge Wilkins to the Hon. J. K. Moorhead, although not intended for the public eye, is, by permission of its venerable author, here presented in connexion with the foregoing views, as eminently confirmatory thereof:

Letter of Hon. William Wilkins.

HOMEWOOD, *December*, 1861.

MY DEAR SIR: Does not your experience in life (not quite so long as mine) teach you that any man of a little skill can very readily find an excuse for his delinquency? I may claim some little skill, but I am driven at this moment to a very ordinary apology, the spirit of procrastination, for my delay in giving a reply to a note received from you a long time since. I might further say, in extenuation of my omission, that I have been indulging in the dream of my ability to make a visit, my last visit, to that city, (now almost in the state of actual siege,) formerly the place of my political residence. My eighty-second year has commenced its course. Whence, then, is to come the capacity, the physical power, to encounter the journey? Whilst the question may tinge the mind with some little melancholy reflection, yet it should fill mine to overflowing gratitude to Providence for the preservation in which His beneficent hand has, for so many years, continued to hold me.

The proposed establishment of a national armory west of the Alleghany mountains, or, rather, "the inquiry into the expediency of such an establishment," very naturally, and with great propriety, wakens up and demands the attention of the population of the city of Pittsburg.

The language of the congressional resolution; the condition of our distracted country; the universal cry of its people for weapons of warfare; the barren position of the north as to the essential munitions either of defence or annoyance, produced by the hidden and secretly devised treason, even of cabinet ministers, forcing us to resort for supplies to European countries, and more particularly to that country now in an angry temper, talking of menace intended to die away without effect; the destruction of the southern armory by the very traitorous community to whom its locality was given as a State favor and benefit; all these facts and considerations combine to satisfy us that, at all events, a second national armory is decided upon; and that its location, which we may equally consider as certain, will be at a proper distance from the similar works at Springfield, somewhere west of the Alleghany mountains, in the midst of the natural wealth, resources and rivers of the Great West.

Let your honorable committee, too, take heed that the exposure to war is stamped upon the destiny of every earthly nation. No government, however weak or however powerful, can at all times escape from the scourge and calamity of dreadful hostile military contests, carried on either in defence, for conquest, or for revenge. The government of the United States, its construction, its principles

of equal and impartial freedom, its just administration, our social, personal, and commercial intercourse, the vast wealth and prosperity flowing from our confederacy—all combined, have not been adequate to save us from treason, and the disaster even of civil war.

The resolution under the authority of which you are acting plainly indicates the absolute public necessity of a second great national workshop. It also impliedly forbids all contemplation of a revival of the old factory or the establishment of a new one upon the ludicrously so-called "sacred soil" south of the Potomac river; but it hardly imposes any limits of inquiry when it permits you to range over the entire prolific and interesting region of the valley of the Ohio.

Further, am I wrong in coming to the conclusion that the resolve of the House of Representatives authorizes the committee, if it should decide upon an affirmative report, to go further, and select and decide upon the place or site designated by economy and essential facilities for the establishment of the great workshop called for by the exigency of the country? Without going that far, your work is but half executed. It follows, impliedly, indeed plainly, that in your report you should answer the very natural question, *Where* do you locate the establishment?

The entire wide west, excited, starts up and arrays its files and its columns, not in arms, but in honorable and friendly contest, under the bloodless armor of honest argument, of facts and facilities, of transportation and intercourse, of a community engaged and skilful in mechanics and manufactures, of fuel, particularly of the vast advantages in metal, and of that crowning circumstance, the ample possession of that overruling power which gives name to the age in which we live, and covers the waters of the world with its availability! In such a *western* contest can the city of Pittsburg, in justice to herself and the country, remain passive and a mere looker-on? No; she has become a competitor, and so continues, in full confidence that she possesses the site that combines more and greater advantages to the government for the proposed national establishment than any other locality in the region named in your resolution.

Let a friend, an adversary, or a stranger, in reference to this inquiry, turn to the map of the country, and he will at once, and very naturally, put his finger upon the "*Fork,*" so called and so marked by General Washington, at the head of the Ohio.

A memorial, accompanied by a map prepared and printed by a committee appointed by the citizens of Pittsburg, has been distributed at Washington among the members of Congress. I signed that instrument, satisfied of its truthfulness and integrity. You are aware I have no claim to the credit of being an artist, a mechanic, or a manufacturer; but you cannot be a stranger to the close and long attention I have paid to the facilities and resources of Pittsburg and the working character of its people. You must also well understand that in my present age, in my idle retirement, lost to the impulse of ambition, engaged in the working or production of no raw material, and concerned in no manufacture, I can have no personal interest or speculation in view. I may, therefore, under this state of disinter-

estedness, go on further and say to you that since that memorial was written additional facts of value might be added to what we have already said.

The Pittsburg and Connellsville Railroad Company have proceeded with their work, and now have brought their road into the city of Pittsburg, thus opening to us, uninterruptedly, in addition to our slackwater navigation, the rich valley lying above us, and all the resources and many facilities of the Monongahela and Youghiogheny rivers. This road is referred to in our memorial; but I cannot avoid mentioning the positive and distinct fact of the completion of the Pittsburg terminus of it, and that its depot is in the heart of the city. You, sir, can well, and with full personal knowledge and experience, affirm to your honorable colleagues the marked useful bearing of this circumstance upon the supply, and the cheaper cost of the essential material of fuel. I do not hesitate, also, to ask you to give your unqualified assurance of the extraordinary richness, purity, and abundance of that mineral in the hills of the two rivers, at the bases of which the railroad runs parallel and contiguous to the slackwater navigation.

I may also here, in repetition, name that marked and important article, the manufacture of steel—upon which a separate paper will be laid before you—not confining it to the superior article in the making of edge tools, but comprehending cast steel ordnance, at this moment in construction in the city of Pittsburg. In turning to page 15 of the Chicago memorial, comprehensive in its range (I must presume for political purposes) over the lakes and so many of our States, we find the word "steel" only once used, and then in reference to the "*cost of its supply*" from distant parts. I think it a little odd that this item, so indispensable, whether used alone or as an ingredient which enters with others into the compound and union of different substances necessary to the production of metallic weapons of war, has not been prominently placed before you by our Illinois neighbors in the account about to be settled between us. It is strange that this essential ingredient in the construction of muskets, rifles, carbines, revolvers, pistols, swords, and bowie knives, if you please, should be disregarded and slurred over, whilst they enter into a detailed display of their stone, beautiful cream-colored brick, wood and lumber, shingles and lath, manufactured articles of wood, agricultural implements, carriages and wagons, furniture, sash-doors, barrels and wooden ware.

I might here refrain, as an analysis of that adroitly and exceedingly well written paper will be handed to you. Still, let me make a remark or two. The military commission of 1825 considers the water power at Beaver of importance, because *situated upon the Ohio river*. The Chicago committee refers to this stream, and seems to regret the want of uniformity in its navigation. Like the Chicago, the Illinois, and their canals, it is liable to frost, depression, and fullness. It has the ordinary characteristics of all our rivers. Our opposing memorialists should have quoted the sarcasm of John Randolph—"that it was an abortion of nature; for, one-half the year it

was dry, and the other half frozen up." Still, it does not require a Roanoke wit to give us a proper comprehension of the universal utility of the navigation of the Ohio river—its great value to the entire nation—its peculiar necessity, adaptation and resources to the establishment of a national armory and foundery in the western valley, west of the Alleghany mountains, not "on the slope of the Alleghanies."

Let Pittsburg, especially, whilst she mourns over the loss of the navigation of the beautiful Ohio in the more favored waters of the Chicago and the Illinois, not forget the millions and millions of tons of "*bituminous coal in which Pittsburg has the advantage in cost as respects motive power*,"* carried from our immediate shores even to the delta of the Mississippi. Also, let not our friends on the dangerously exposed margin of Lake Michigan fail to recollect that in the winter of 1814 the navigation of the Ohio river was sufficient to carry munitions of war from the arsenal of Pittsburg, which, arriving at a critical moment, aided General Jackson in gaining his renowned victory of the 8th of January.

It is mortifying upon this subject to link together the high and glorious achievements of patriotism and the low and debased acts of rebellion of 1861; still, to repel the charge of deficiency, and show our facilities of intercourse, I must call up to notice how promptly Floyd fixed his traitorous eye upon the military resources of Pittsburg, and its facility of transportation to distant and various points. And is there any man in Illinois blind to the ready distribution and conveyance of ordnance, arms, and all munitions of war from the same workshops to aid the patriotic exertions of the country in its present unhappy condition?

Let me say to the people of Illinois, that I have read the well and ingeniously written memorial to the government of the United States from the citizens of Chicago, that beautiful city, wondrous to us, but still more marvellous to the traveller from a foreign land, who may listen to the tale of its history. To me the story of its origin, its growth, wealth, and splendor, run into the wild regions of romance, and seem like one taken from the Arabian Nights. Enchantment, not content with bringing up from beneath the surface of the earth the germ of a great city, brought up one complete in all its architecture, and crowded with a living, intelligent, and enterprising population! Still, whilst we gaze upon, and our minds are filled with pride by this interesting spectacle of western energy, we are not overcome, or frightened from the domestic contest in which our position and homely mechanical industry induce us to engage. In our emulation (certainly not unexpected to Illinois, as obviously appears by its select and pointed reference to Pittsburg) we yield all the adroit political display spread over the sweeping geographical map annexed to the memorial; we yield all that enchantment, reality, and enterprise can bestow, with the exception of one or two essential articles. In those

* Chicago memorial.

you are defective in comparison with a rival, in your notion and language, "lying on the western *slope* of the Alleghanies." All terrestrial bounties are not thrown in a mass on one favored spot. We yield to you your perilous situation on the margin of a deep and beautiful lake; we acknowledge the rich soil of your extensive plains, your beautiful prairies, resembling an unruffled ocean of verdure and flowers; your abundant agricultural products; the wealth of your grazing farms; the exportation of beef and pork; your trade in lumber; your commerce in grain. You are welcome to be called the Danzic of the Union, only do not take from us our cherished and well-earned name. Claim—wandering from the real point in issue—whatever you can conveniently enumerate, and take the schedule, but leave us the few indispensable articles for the establishment of an armory which no impartial judgment can deny us, and which the address of the committee can in no way include in their schedule. Bring down the whole affair to the simple and contracted point I have named; to be sure it is one of life and death, for it is with *fire* and *metal*.

In the wide-spread schedule of which I have spoken, the Chicago committee make one important *admission* and one important *omission*. This omission I am very far from ascribing to a want of candor. There must be a lawyer on the committee, I discover his finger in the work. He went upon the well-known prudent professional rule. which I often practiced in my better days, when you can't answer the argument of your adversary, pass it over in silence.

The "admission" to which I make allusion is, that the coal of Pittsburg (page 17) for steam and motive power, is superior to that of the vast extensive coal fields of Illinois, and in its cost it is less: whilst in page 17 a paragraph is inserted to assure us of the approved richness of the Illinois coal for the very same purposes. Whilst that rich and growing State is admitted to be in possession of fields of bituminous coal more extensive than that of any other State in the Union; yet, from the pages of the memorial, it is a little difficult to reach the accuracy of their distances from Chicago. Different points of supply are named. Sixty-five and one hundred miles are referred to as distances to the supplying and abundant mines in operation; and in page 12 we are told of the "immense coal fields lying around the city." Is there an error here? Follow it up with the word "Pittsburg," and the sentence, geographically, would be correct.

On this interesting and important article of coal, upon the present subject of investigation, why does our opposing memorial introduce a word about the supply to Chicago, from "Ohio, Lehigh, Pittston, Scranton, and the river Lehigh," in Pennsylvania? Admitting the well told account of the vast amount of coal on the Illinois and *around* the beautiful city of the lake, does it not look a little like "carrying coals to Newcastle?" Pittsburg never dreams of looking abroad for foreign or distant supplies—never raises here eyes to look beyond her own hills and rivers.

The "sin of omission" in the schedule to which I have referred, must have been an inadvertence. But it struck me as a little surprising, and induced my attention, that in the five pages devoted,

"without fear of comparison," to the prominent item of "iron," and the variety and unlimited supply of metals to be had at Chicago, they take a sweep of seven different States, including a portion of the territory around Lake Superior; and, to complete the variety of the collected herd, you even include the "Scotch pigs," for the sake of what you call the mixture. Why, then, do not the capitalists and manufacturers of Chicago arrest and turn into their furnaces the many thousands of tons of iron and copper ore on their way from Lake Superior to be smelted, refined, and manufactured in Pittsburg? The memorial observes a marked silence, certainly very significant, as to any supply or purchases from western Pennsylvania. Why is our city called the "iron city" by all around us? Why is it called by foreigners the "Birmingham of America?" It is an oft-repeated proverb, "there is nothing in a name." But I am so partial to that old home, whose people have been so generous to me, that I cannot avoid the impression there is something very significant as to the workshops and materials of that home in the names it so universally bears. Let me not, by any omission, do injustice. I confess they do mention the name of the good old Commonwealth in honorable connexion with New York. They were right to confer that honor upon us, but it was for a purpose not at all pertinent to the present issue. It seems to have been dragged in for the idle purpose of relating to us that the "northeastern brand of grey anthracite iron makes excellent castings for mill work!" No, no, gentlemen; leave your distant regions, and let us return to our own homes, and ask a question or two of our own trade and intercourse. Does not Pittsburg find an advantageous market at the city of Chicago for her manufactures of iron in its most material articles, rolled, bar, rod, and sheet iron, and spikes and nails? Surely you obtain such supplies from us? Is the trade ever reversed by your greater facilities? Have you bills upon us for iron supplies?

I must hasten, my good sir, toward the conclusion of this tedious, scratched, and confused letter. I will do so by some remarks (probably again falling into repetition) upon the most extraordinary and positive assumption of a fact to be found in the entire Chicago memorial, and that, too, upon one of the essential points in the present inquiry, one of the most serious import, which cannot be overlooked by the government, and must be gravely and expressly investigated and decided upon.

In pages 20 and 21 of that memorial, the very extraordinary assertions are made, "that so long as the government exists this city (Chicago) must be secure;" and on page 21, "for security, she must certainly take precedence over any city in the vicinity of the Ohio river!" Could our friends have intended to attach any meaning to these extravagant assertions? Transfer Chicago from her present *outer* position anywhere to the Ohio river or its vicinity, and she loses her safety!

Come, I take up the challenge.

Of all those many localities, for the Ohio runs a great distance, even 1,216 miles, to the western boundary of Illinois, I will take the

black champion to be found at the "fork" of the Ohio, clad in *mail* of *steel* net work, with *chain* and *plate* of *iron.*

This champion, clad in such domestic armor, will not cower because he sets forth from a citadel two hundred miles from that ominous and overthrown place of arms called Harper's Ferry, where the Chicago committee, in tender concern for us, speak of the loss "without an effort from loyal States," as if it were a suburb of Pittsburg. Let us turn away from that ludicrously mentioned forlorn ruin, and be serious.

Pittsburg is held to be an unsafe position by our Chicago adversaries, because it is not "further removed than it is from the boundaries of the States in rebellion, and from Harper's Ferry, where an armory was captured," because "the navigation of the Ohio river is not less uncertain," and, if possible, still more strange, because "the single trunk of railroad connecting that city with the west is not *less exposed.*"

On the question of the relative security of those two cities from *foreign* attack, the quotations just made strike my mind as strange and surprising. Probably because I am old and defective in comprehension. Still, I can see that the disgraced Harper's Ferry is 240 miles from Pittsburg, with the ranges and spurs of the Alleghany mountains intervening; whilst the rich and tempting city of Chicago is on the line of a foreign power; that line, too, the margin of an inland sea; that nation, marine in its character, wanting in national integrity, now, as it always has been, and ever will be, full of "envy, hatred, and malice" to the United States.

Pittsburg is within a powerful State of the Union, of vast population, in close contiguity to Ohio, the third State of the thirty-four. On the south she is protected by our loyal friends of Western Virginia; her three rivers give great aid and are kindred to the surrounding beautiful and natural heights, so wonderfully adapted to fortifications and all those military works designed to be permanent, or thrown up upon any sudden alarm, or advance of a hostile force. The patriotic States of Indiana and Illinois are natural supports against any hostile assailant from the northern side of the chain of lakes. Pittsburg is not upon the margin of any one of those lakes, but many miles distant, with a valuable population intervening, securely planted in the interior of hills and rivers.

Remember how, at an earley period of our history, the "Point" attracted attention as a post of military power, annoyance and defence. The Indians, the French, the English, and the Americans, contended and fought for its posession!

This comparison of relative security is quite superfluous on my part, for the Chicago map itself places Pittsburg, in the geography of the country, in a snug corner of perfect security.

In reference to this security from foreign aggression, how stands Chicago? The question is promptly answered, not by postive and naked assertion, but simply by pointing to the spot where it stands. Is it not on the frontier? Would you build an arsenal there to contain thousands of finished small arms, powder and ball, with hundreds of various pieces of ordnance, shot and shells? It is not

surrounded by hills and heights susceptible of any kind of military works of defence? The most powerful marine nation of Europe, always in a bad and warlike humor, exercising jurisdiction over an almost illimitable domain, just across the lake and much too near for safety; always with a strong force of regular troops in the neighborhood of the lakes, and at this moment engaged in the erection of new fortfications in Canada. The level plain of land all around Chicago is readily approachable by a fine deep bay and harbor. How does it evade this danger and establish its absolute security? It has no means of defence at home. Its protection rests, not with the brave and patriotic men of Illinois, but upon the hope that the federal government will erect vast and expensive fortifications at the straits of Mackinac, 200 hundred miles off, so that no power of England would ever be able at that pass to enter Lake Michigan. Pittsburg neither asks for or requires such public expenditures. But if, upon a disastrous day, a hostile marine force should happen to enter the bay of Chicago, what is then to be done? There is no local or home defence or security. The Chicago memorial then tells us, if they had "the *time*," they would then resort to the expedient of collecting the "tug boats, propellers, steamers, and other vessels, and use them as a naval force against Great Britain." On some desperate occasion how we grasp at straws. The commitee of Chicago seem to think that in the emergency of danger to which they allude, the importance of their trade and commerce would excite the sympathy of New York and Philadelphia. What further might come, I am not able to tell, but I think all this would fail to bring up Chicago to the standard of safety to be found at Pittsburg.

One word more. What does history say as to the past security of the south side of the lakes. To be sure I refer to a time before Chicago had ever dreamed of spreading herself before the gaze of an admiring world. The imbecile Proctor had a hostile footing on our side of the Lake when defeated by General Harrison, and Brock crossed the strait and captured Detroit.

Notwithstanding these facts and considerations, the Chicago memorial, as it approaches its conclusion, and just before it reaches the most extraodinary offer *to buy a site* for the General Government, winds up with the wild averment, that "*for security, she must certainly take precedence over any city in the vicinity of the Ohio river.*

We can listen to such a proclamation, as wild as any promulgated by our major generals, and yet preserve a hearty friendship for the writers of it. They atone for their mistake upon the same page by intimating we are worthy of their competition; that "Pittsburg is a city of well-established character for manufacturing facilities;" our "full equality as to skilful labor, and the advantage in the cost of bituminous coal."

But for all the friendship I retain for the people of Illinois, I cannot let pass without a remark the extraordinary offer just alluded to in reference to a site. In the resolution of the House of Representatives, I can perceive no intimation that "bids" would be received,

or a donation accepted as an equivalent for an objectionable site. Therefore, may I not ask, without intending any rudeness, is not the offer made to the government an evidence of weakness? Does it not lead to a scale of "bids," rising in proportion to the unfitness of the locality? It is not possible for us to entertain the thought for one moment, such a consideration would enter into the inquiries of the congressional committee. Were that possible, we would feel obliged to withdraw from the contest, for we rely alone upon the truth and integrity of the exposition of our claim to the site.

In my desultory remarks to you, I have only spoken of a national armory. But if you combine the two, an armory and a national foundery, our claim is greatly strengthened, and becomes at once pre-eminent. Where have ordnance, light or heavy, been cast and finished with such strength and completeness as within the limits of our city? I refer you to a letter which accompanies this paper, from Captain Rodman, a very distinguished ordnance officer and successful engineer, the inventor of many improvements in guns, the well-known patentee of the Union gun. This officer now is, and has been for many years, exclusively employed by the government in casting and manufacture of guns. I believe he has almost the entire control and supervision of this branch of our military affairs. You will see by his letter he does not confine himself to the limits of your resolution, but ranges over the entire Union, and fixes a large and combined establishment on the Hudson river, "a short distance above New York city." But, coming to the question, and within the limits of your inquiry, this able engineer and practiced constructor of arms, distinctly gives his judgment and opinion that, "for a national furnace at which gun-iron can be uniformly produced of the best quality, and the fuel found together with it," he gives "the preference to Pennsylvania." He then concludes his letter by saying, "As regards *inland* sites, I know of no one that possesses greater advantages than Pittsburg."

Where, throughout the Union, or probably any other country, have cast metal guns undergone and passed triumphantly under such long and severe tests as those manufactured at Pittsburg, and with Pittsburg fuel and metal?

I view the letter of Captain Rodman as entitled to some further consideration. He speaks of the comparative cost of the transportation of pig iron and that of the finished gun, and also of the supply to sea-board cities from the Hudson, at much less cost than from *any* "*inland* foundery." This hypothesis demands a remark or two.

It is true, if you have the gun cast and finished at a point on the sea-board, its *conveyance* thence to any fortification, *also upon the sea-board*, would be at much less cost than from a western inland locality. But, that is far from being the only question: we cannot escape from the essential inquiry, What was the amount of all the preliminary expenses in the "*construction*" of the gun? We, of the city of Pittsburg, assert that, taking all the expenses of the gun into the calculation, it can be sent to the distant parts of the United States at

a lower cost than from any other point having manufacturing facilities.

Please to see the accompanying paper marked *B*. Also, see the weights of guns of different calibre, in paper marked *C*.

Whatever may be said in advocacy of the claim of Pittsburg to your attention, in reference to the casting and construction of ordnance, may be as equally, fairly, and candidly declared upon the manufacture of small arms.

Whilst we advocate Pittsburg and its immediate vicinity as affording the most advantageous site for a public armory, and give the facts, honestly believed by us to be obvious to every inquiring and disinterested mind, upon which rests the course we pursue, we trust it may not for a moment be thought we do not join in asserting to the government the claim of the west for the establishment of the contemplated work. It is imperatively demanded by the present exigency of the country, and public sentiment points generally to the west, let the particular site be selected where it may.

Writing in the country this rough and hasty letter, I happen not to have upon my table a copy of the Pittsburg memorial. I am therefore afraid to go on and make further remarks, lest I might repeat facts and arguments already addresssd to you. However, I shall proceed.

The issue raised upon the question of *locality*, sought to be obtained by the several claimants, turns, in my mind, upon a single point—the *power* to be employed. The contest lies between *water* and *steam*, supposing all other advantages, resources, and facilities to be perfectly equal. A strange and bold struggle, in the year 1861, between the *steam* town of Pittsburg, on the one side, and the *water* towns of Beaver and Rock Island on the other! There may have been a fair rivalship and a doubtful struggle between these two powers at a period not many years since, but now certainly gone by. The mechanism of the world has decided the question. Philosphical principles, adapted and applied to the arts, the business, and labor of men, place the discovery of the availability and economy of the power of steam almost if not at the very head of the scale of inventions of practical utility.

Water power certainly has been used, and will continue to be employed, for such purposes as the one contemplated by the terms of your resolution, but always at localities where the means and facilities of steam are not to be obtained.

If it shall be your pleasure to turn your back upon and condemn the use of the power of steam, and stand alone in the mechanical world, then hasten to the town of Beaver, (certainly possessing one of the most valuable waterfalls in all the land;) or, travel much further west, to a country of high promise, and give the site to the water power of the rapids of the Mississippi or Missouri, in the neighborhood of the city of Rock Island.

Either power—*steam* or *water*, let the site selected be where it may—must be closely connected with the accessories and essential facilities—fuel, metals, transportation, population of artisans, &c., and

if even your judgment, upon the hypotheses I have mentioned, should lean in favor of the use of the power of water, the possession of those facilities to the greater extent would turn the scale. For instance: our well-beloved neighbors of Beaver, thinking the point I suggest a very critical and dangerous one, aim to escape from it by the very adroit hint to be found in the last paragraph of their memorial, but more distinctly and at large in the extracts so indiscreetly attached to it, taken from the report to the War Department made by the commission in 1825. Decided as that commission were in favor of the motive power, yet they place its success and availability exclusively upon the command of the artisans, facilities, and resources of the city of Pittsburg. Thus do the military men of that commission, in 1825, upon the inquiry similar to the one before us at present, distinctly recognize the metallic manufactures and resources of Pittsburg. They say:

"Comparing it with Ohiophyle, it is apparent that the advantages which would accrue to the armory at Beaver, from its position on the Ohio river, from its vicinity to, and *consequent command* of, *the resources* afforded by the city of Pittsburg, *more than compensate for the additional cost of its water power.* * * * To make the power, as it ought to be, subservient to the most advantageous arrangement of the work, will *require* the *use* of at least four steam engines or water wheels, in all cases. * * * And in all material respects, the position of Beaver is considered as commanding the resources of Pittsburg."

Narrow down the limits of the question. Let the facilities of *transportation* to and from all the points of rivalry be considered as equal. Throw away, on the inquiry of *healthfulness*, all our bills of mortality. Take no concern, as to stone, lime, earths, *bricks*, timber of every kind, and all materials for buildings and shops. These materials are abundant everywhere. The industry of our country spreads skill and artisans in every direction. What remains? *Fuel* and *metals.* Where are they to be found? They are as indispensable to an armory as air and water to the life of man. Where are they to be found at hand, the more abundant and the more cheap? The answer decides the question of the power to be employed in the working of those materials.

That the character of our town directly answers the question can be no objection to the truth of the position. We advocate the adoption of that power which has changed the face of nearly the whole of the civilized world. It has usurped the power of the winds of heaven. It defies the perils of the tempest, and takes the place and performs the duties of the sails of the adventurous ship upon all the broad waters of the world. It gives irresistible force and velocity and decisive efficiency to our own and European ships-of-war; and upon fortifications and other positions upon land, in attack and defence, it is used and advancing as the great engine of war.

Come down from these high objects and purposes to which the

power of steam is applied, and let us look at it in its *quiet* employment as it were, when used for domestic and mechanical purposes.

Its *efficiency*, the Falls of Beaver will admit, and even the rapids of the mighty Upper Mississippi will not deny.

Its *availability* for any purpose, and in any position, is proved by universal acknowledgment and adoption.

Its *docility*—its easy management, places it under the control of almost any one. Its *enginery* is now so universally known and practiced, that its machinery is almost as familiar to us as household words.

This power can be *carried* and *placed anywhere*. Choose your *site*, and *there* you have the power, let it be on high or low land, on the bank of a river, on a hill, in town, or out of town, at the mouth of a coal pit, or on an iron ore bank. But, at this day of iron machinery, choose a waterfall and you are at the mercy of that cascade! There the government must go, let the site be suitable or not; the ground and circumstances around fit, or repulsive. "Mahomet must go to the mountain."

The *uniformity* of this power of steam? Drought and flood have no influence upon it. Winter and summer, heat and frost, are all equally harmless. Whilst it drives machinery, it spreads *heat* amongst the workmen in every direction and to any extent.

This popular power may be, by a touch of the workman, or engineer, increased or diminished, at will, as business or economy may require.

When speaking of the easy and convenient mobility of the steam engine, I might, with propriety, and fairly in connexion with our subject, have said that it could very readily be placed in a situation quite contiguous to the present "Alleghany arsenal," and at a cost by no means extravagant. Such contiguity of kindred works would give reciprocal aid and facilities to each other, and be productive of economy and success to the proposed manufacture of national arms.

Convenience as to the easy *distribution* of *power* is altogether with *steam*. It may readily be distributed over a large space by multiplying the engines, which can be located at pleasure, whilst the fixed location of the *water* compels its power to be confined.

Adopt *water* as your motive power, and yet in the midst of your numerous hands and various and complicated machinery, you cannot dispense with heat and steam, their use and application.

The liability to stoppage and suspension is greater in the use of a waterfall than in that of a steam engine.

The repairs are the more quickly and easily made where the steam power is used, particularly where it is located in a busy community of skilful steam workmen and steam engineers, always surrounded by the implements and the various parts of the engine. A very short time is adequate to the restoration of an obstructed steam engine.

Whilst it may require chosen and selected fuel for the manufacture of iron and of ordnance, and for metal castings, almost any rough and refused fuel may be used for creating heat and steam.

Beaver certainly does, and so, I presume, does Rock Island city,

depend upon Pittsburg, very essentially, for the metal and machinery to put in operation their water power. The transportation in either case would likely cost more than the simple steam engine at Pittsburg.

When you get on, and come to the very point of starting the water power, the account certainly stands against it; that balance is, too, increased by charging the indispensable item of heating extensive workshops and buildings; and when you have the water you can't get along without steam engines.—(See the report of 1825, as to the steam engines necessary to make the Beaver Falls subservient to the purposes of a national armory.)

Well, at this starting point, whilst you lose in other particulars, you simply save the expense in the fuel used for creating heat, and that, also, where it is required for other objects; not a very alarming expense when fuel is at hand, cheap, and abundant.

Where do you find the steam engine discarded, and the water power substituted? Nowhere; but instances of the reverse everywhere.

This letter feebly attempts to draw your attention to a subject interesting to districts, localities, and cities of the ambitious west. You and others may find, I cannot, language to express the emotions excited when the eye of an American extends its gaze over the robust growth, population, and rich resources of those cities. The glorious spectacle is too much for me!

I well recollect when a boy I stood on the eastern bank of the Alleghany, where now rests the abutment of the beautiful wire suspension bridge, (no doubt taking my full share of the fright,) and witnessed the Delawares and Shawnees, in full war dress, and yet with but a single scanty garment, plundering the cabin of an early and adventurous pioneer. All beyond was then a wilderness, a wild, luxuriant forest, holding out overpowering temptations to the axe and the plough of the "pale face men." Yes, those allurements civilization could not resist; and how soon were the foot-prints of the moccasin in the narrow and winding trail of the "wild red hunter" trampled out by the track of the impatient emigrant, the ploughman, the artisan, and the builder of cities!

And now, in amicable temper, and united in loyalty, those very cities, in emulation and the pride of their growth, rise up in eager contest, like youthful heirs impatiently yearning to enjoy an anticipated inheritance, and grasp at the possessions and estate of a muscular parent, Pennsylvania. She very naturally resists, and claims protection from the neutral and overruling policy of that one common government, for which her steadfast love has never fluctuated; and at this moment of national calamity she points to that noble sentiment which, flowing like a wave of patriotism, sweeps over her entire domain, and buries deep in the ocean of oblivion the very last drift of political partisanship.

I have the honor to be, sir, with high respect, your obedient and humble servant,

WILLIAM WILKINS.

Hon. J. K. MOORHEAD,
House of Representatives.

In corroboration of some general assertions relative to metals, &c., made by the Hon. Judge Wilkins in the foregoing letter, the following reports of several sub-committees appointed from the general committee are presented:

Report of the sub-committee on iron.

DECEMBER 26, 1861.

SIR: Your committee beg leave respectfully to report that they have given the subject committed to them their careful consideration, and to submit the following statement of what seems to them the proper line of argument on the question. It will be observed that we have endeavored to keep as closely as possible to the subject to which our attention was called; but the question of fuel was so intricately mingled with the iron question that we were forced to take at least a partial view of it—that is to say, in its bearing on the cost and quality of the iron produced here and elsewhere. We have also been obliged to refer to the question of freight or cost of transportation; but both these questions (of fuel and transportatian) are so important as to demand separate and special attention.

In considering the materials needed by the government for a national armory and foundery, it must be remembered that the two require entirely different articles of supply, and radically different classes of operators. An armory, by which term is meant a manufactory of small arms, such as muskets, rifles, sabres, swords, bayonets, pistols, &c., needs *wrought* iron and steel, and for gun and pistol stocks, such woods as walnut, maple, and mahogany, and also proper fuel for smiths' forges and motive power. A foundery, on the contrary, needs only *pig* or *cast iron*, or bronze, and proper fuel to melt it. If there should be added to it a manufactory of gun-carriages for field or fortification, then it needs hickory. white oak, locust, &c., or what is called wagon stuff, and wrought iron for mountings. A foundery also needs a turning and boring shop to finish the rough guns. We shall consider the requisites for the armory and foundery, therefore, separately.

Let us first consider our capabilities for the supplies for an armory. In the great requisite of wrought iron, we claim that it can be produced here, of any required quality and quantity, cheaper than in any other locality in the Union. We have here to choose from, for the manufacture of wrought iron, the product of the mines of eastern and western Pennsylvania, Ohio, New York, (strange as it may seem large quantities of New York iron in ore, pig, bloom, and bar, are sold in our market,) Kentucky, Tennessee, Michigan, and Missouri, with the best and cheapest fuel in the known world to work it. That wrought iron can be made here better and cheaper than any where else, is proved by the fact that of all the bar iron (we mean merchant bar) rolled in the United States, amounting, according to Leslie's Guide, up to 1856 to 240,000 tons, Pittsburg alone produces over one-fourth of the whole. Says Leslie, on page 798:

"The entire product, in 1856, of the rolling mills of the United

States, was 498,081 tons, of which Pennsylvania made 241,484 tons. Of the 498,081 tons, 141,555 were railroad bars, leaving 356,526 tons as the product of merchant bar, &c.; but of this it is estimated that 116,526 tons are consumed in the manufacture of nails, boiler-plates, sheet, &c., leaving 240,000 tons as the bar or merchant product of the United States."

If Mr. Leslie's figures are correct, and we think they approximate very closely to the truth, Pittsburg produces nearly *one-third* of the entire production of the United States, other than railroad iron, as will be seen from the following statistics *obtained by actual canvass* in 1856, and published in 1857 in "*Pittsburg as it Is.*" Says that authority, speaking of the twenty-five iron and steel works in Pittsburg:

"These mills consume 105,333 tons of pig iron, 27,267 tons of blooms, 4,931 tons of scrap iron, and 2,550 tons of Swedes and rolled iron.

"They produce as follows: 3,212½ tons of boiler iron, 67,100 tons of bar of various sizes, 5,637 tons of sheet iron, 699,762 tons of nails, spikes and rivets, 10,000 boxes tacks, 800 tons galvanized and imitation Russia iron, 10,850 tons of blister, plow, spring, and cast steel."

As to lumber, all the native woods, walnut, maple, &c., can be had here as cheap, if not cheaper, than anywhere else, as the forests of the neighborhood and of the valleys of the Alleghany and Monongahela abound in these woods. The foreign woods, mahogany, &c., can, of course, be had here cheaper than at any other western point, as we are nearer the seaboard and have less freight to pay. But the great and predominant advantage we have is in the fuel, not only for raising the steam for the motive power, but also the fuel for the more important need, the smith's forges. We have here the only coal in the United States of A No. 1 quality for this purpose. East of the mountains they use imported Liverpool or Picton coal, or the coal of our vein; but west of Pittsburg the use of Pittsburg coal is almost universal. From the copper and iron mines of Lake Superior to the sugar plantations of Louisiana, every little smith's fire is dependent on the coal of the great vein of which this is the centre. It is true that they have in Illinois an immence coal field, said to be the largest in the world, but utterly unfit for iron purposes, or why do the people living directly on this coal field send to Pennsylvania for the coal and coke for their founderies and smith fires?

So much, then, for the armory. Suffice it to say, if an armory or manufactory of small arms, in addition to the one at Springfield, Massachusetts, is decided to be necessary, then our claim is that we have here all the requisites more perfectly combined than any other location.

Let us, in the second place, consider our capabilities for the supply of a national foundery. The guns to be made in this are all *cast*, and are what are commonly called cannon. They are all made either of iron or bronze, the latter, however, being but a very small proportion of the guns made.

We are well aware that cast steel guns are also made, but these of course can be best made by contract with private individuals; and

we do not presume that the intention of the government is, for the present, at least, to include this branch in the national foundery. We would say here, also, that if such guns are desired, the ingots or cast steel block from which they are forged and finished, can be produced here in any required quantity, and that heretofore they have not been produced satisfactorily any where else in the United States, while one firm, at least, in this city, has filled an order for them satisfactorily.

For the manufacture of the ordinary guns or cannon, the requsite materials are cast or pig iron of the proper quality, and the peculiar fuel to melt it. A very serious error, in all the calculations which we have seen on this subject, is in leaving out of the question the *peculiar* qualities of the iron and the fuel necessary for this purpose. Thus, in the Chicago memorial, they lay great stress on the alleged fact that their contiguity to the iron deposits of Lake Superior and to the coal fields of Illinois, will enable them to furnish pig iron at a lower figure than it can be produced elsewhere. This allegation could be proved erroneous in several vital points, if it were worth while to waste the time, but it is useless to "break butterflies on the wheel." Let us, for the sake of the argument, admit their allegation, however false it may be, and what does it amount to? Nothing. Lake Superior iron has nothing to do with this question, for the simple reason that it has been proved conclusively, by careful and thorough experiment, that Lake Superior iron will not answer at all for heavy ordnance. By reference to the United States Ordnance Manual, last edition, page 24, it will be seen what are the requisites for pig or cast iron for guns. They are elasticity, tenacity, extensibility and incompressibility or hardness. And for this purpose experience has shown that they are required in the following formula of proportions, or as near to it as possible:

	Per cent.
Elasticity, involving the least set	50
Extensibility, or capacity to resist repetition of strain	30
Tenacity, or tensile strength	12
Hardness, or incompressibility	8
	100

The object, then, in getting a pig-iron from which to cast ordnance, or large and heavy cannon, is to find one that comes nearest to the above formula. All irons made from magnetic ores, of which are all the ores of Lake Superior and Missouri, are so deficient in the first and most important element, elasticity, as to render them entirely unfit for gun purposes. They are admirable for wrought iron, and have in the pig great tensile strength, but, as will be seen above, tensile strength is a very insignificant item in the formula. But there is another and a fatal objection to these irons, however manufactured in the smelting process, and that is a peculiarity of shrinkage when cast, which prevents a homogeneousness of the mass. By reference

to the Ordnance Manual before quoted, it will be seen that this is *the* great requisite; not only that each gun shall be homogeneous in itself, from breech to muzzle, but that all the guns in an army or a fortification shall be of equal endurance and capacity, according to their calibre. The cast iron made from magnetic ores has been found, after years of experiment, so deficient in this, the great requsite, as to force the ordnance departments, not only of our own, but of foreign nations, to decide, as is expressly said in the manual referred to, that the irons made from magnetic ores are unfit for ordnance purposes. To much for the irons of Lake Superior and Missouri. They are good for certain purposes, but not for this; although admirable for wrought iron they lack fatally the great requisites for this particular use. The unscientific idea that it is merely tensile strength that is required in iron for all purposes, is, or ought to be, by this time exploded. Iron is never pure; all our irons, of whatever character, are alloys. In these alloys the different earths, metals, &c., &c., change the characteristics of the iron combined with them, and render one alloy fit for one use and another for an entirely different use; but for this particular use it has been found by experience that the iron or alloy which approaches in its characteristics nearest to the above formula is the best.

It has been found, also, by long and careful experiment, that the irons made with charcoal from the brown hematile ores of the eastern slope of the Alleghany mountains, in the counties of Blair, Bedford, Huntingdon, and Centre, of the State of Pennsylvania, combine these requisites in a much near proportion to the formula than any other known irons; and the correctness of the formula is proved by the fact that the guns made of these irons have shown, in actual service, a capacity and endurance beyond any others. The ores to produce these irons, have not been discovered except in this one locality, which, however, is so extended, being some 600 square miles at least in extent, as to afford an abundant and inexhaustible supply. The pig iron for ordnance must, according to the government regulations, be smelted with *charcoal* and *coal blast;* but after this smelting process, it is necessary to melt it again in order to cast it into the required shapes. For this another and different fuel is required, and this can be found nowhere in the same perfection as at Pittsburg. It requires twelve bushels of Pittsburg coal to melt a ton of iron in an air furnace (not a cupola.) Iron melted in a cupola is unsafe for guns. We claim, then, that the heavy ordnance, no matter where the location of the foundery may be, must be made of Pennsylvania pig iron, and worked with Pittsburg coal. When it can be shown that all the materials can be taken from or through Pittsburg and carried to any western point, and the guns reshipped through Pittsburg to the seaboard, where the majority of them will be needed for sea-coast defence and naval use, then, of course the foundery should be placed at the point showing these "desiderata;" but we think we can safely wait for this until the perpetual motion is in successful operation.

If bronze guns are desired, at no point in the country is copper so abundant and so cheap, as will be seen by the accompanying report

on copper. The tin being imported, can, of course, be had here cheaper than at any point west of Pittsburg.

All of which is respectfully submitted.

J. H. SHOENBERGER,
ISAAC JONES,
J. C. BLAIR,
Committee.

Hon. WILLIAM WILKINS.

Report of the sub-committee on copper and steel.

STEEL.

DECEMBER 26, 1861.

SIR: The manufacture of steel in all its varieties, from the lowest description to the very finest material needed for tools requiring the keenest edge and the highest temper and finish, is one of the leading pursuits of Pittsburg.

The present annual capacity of the steel works of this city is ascertained to be about 5,350 tons of best cast steel, and 14,850 tons of all other kinds. Several of the establishments where this is made confine their operations principally to the best sheet and bar cast steel, hammered and rolled, in direct competition with the imported or Sheffield article; and it is now very generally conceded that the best cast steel made in Pittsburg is superior to the best English, in all the essentials of quality, strength, uniformity, and capacity to temper well. At the same price, it is preferred before all foreign brands by large numbers of manufacturers of the eastern States, as well as west of the mountains. Indeed, the reputation of Pittsburg steel is now beyond the reach of the furious attacks of the agents for the sale of Sheffield steel, so lavishly bestowed about the time the Morrill tariff became a law.

The Pittsburg committee of steel refiners met their antagonists at that time before the Senate committee on the tariff. Samples were then exhibited, and the foreign agents were challenged to a trial of quality, which was not accepted by them, for the reason that they were fully aware that nothing would be gained for their side in such a contest. So confident were the representatives of the steel refiners of Pittsburg of their ability to compete successfully in price and quality with Sheffield made steel, that they only asked of Congress to levy a mere revenue duty on their commodity, although equally entitled to protection with other important branches of American manufactures.

The most abundant testimonials are at hand from manufacturers of steel goods all over the country to prove what is here alleged in favor of the excellence of Pittsburg steel. Amongst these will be found the recommendations of manufacturers of arms throughout New England and the States of Pennsylvania, New Jersey, and New

York for milling tools, dies, drills, revolvers, muskets, rifles, carbines, gun-locks, sword blades, bayonets, &c., also of forks, hoes, cutlery, saws, files, reapers, edge-tools, nail-cutters, skates, drills for miners' use, &c.

A notable instance of the superiority of Pittsburg steel is thus related: The most extensive manufacturer of edge-tools in New England sent an agent abroad to procure a better quality of steel than that usually exported to this country. One large establishment in Sheffield, by the exclusive use of the best quality of Swedes iron, produced an article of the required quality. On his return to this country the agent visited Pittsburg and compared this superior quality of English cast steel with that made here from our own iron, and the consequence is that the house he represents was so well satisfied, that large shipments of Pittsburg steel are now made weekly to this concern to the exclusion of the English article.

No description of steel is excluded from the variety made in Pittsburg, and large orders are being constantly filled here for decarbonized steel, a peculiar quality used in the manufacture of rifle and pistol barrels.

Steel cannon, which in all probability will soon come into extensive use in this country by reason of the supposed superiority of this material over brass for endurance and economy, are also made here, and several field batteries are now being constructed for the use of government. In this department, whether it may be determined to finish the guns in the public workshops or by private contract, the ingots, of proper weight and size, ready for hammering, turning and boring, can be supplied in any reasonable quantity, with the present facilities; and these are ready to be augmented, subject to no limit except that of the wants of the government.

Pittsburg is now by far the largest producing point in the manufacture of cast steel in the United States, and is the only place where its production has ever been attempted west of the mountains.

The rapid increase of this particular branch of business in this city during the last two years has been such as to make it perfectly apparent that we are no longer dependent upon England and Germany for this highly important element in the manufacture of implements of war. Neither can it be doubted that our productive capacity is adequate to the present demand, which is still largely influenced by foreign competition; but if a contingency should arise, whereby this country should be compelled to depend upon its own unaided resources for a sufficiency of this essential material, Pittsburg alone has the means and skill to enlarge the product in steel of every description, to the necessary standard, to supply both the government and people with every pound that may be needed before the stock on hand shall be exhausted.

The prices correspond with similar reputed qualities of imported steel, and range from 4½ cents per pound to 15 cents per pound for the best cast steel, with a proportionate increase for extra small or large size bars, suitable for drills, dies, &c. It follows, then, as a necessary consequence, that if any other western point shall be selected as the proper

site for a national armory, such locality must inevitably be tributary to Pittsburg for the all-essential and indispensable material of steel in the manufacture of machinery, arms, and other implements of war.

COPPER.

This metal is also pre-eminently a Pittsburg staple. Several of the most flourishing and successful Lake Superior mines are managed and chiefly owned in Pittsburg. It was here, in conjunction with certain parties in Boston, that the great copper mining enterprise of Lake Superior was first projected. Its results have been such as to astonish the whole civilized world, by the discovery of masses of pure native copper, of hundreds of tons' weight, in a single mass in numerous instances, whilst others of ten up to fifty tons are matters of almost daily occurrence. From this source the material wealth of the country has been increased by many millions of dollars, and large profits annually distributed amongst the stockholders in the mines.

There are two extensive copper smelting works here, besides another at Cleveland, chiefly owned in this city, in which the product of the Pittsburg mines is treated and refined. The amount of copper shipped from these mines alone, during the past year, is about 2,508 tons, the yield of which when smelted will be about 1,750 tons of refined or ingot copper, or about one-fifth of the entire consumption of the United States.

About one-half of this quantity is rolled and manufactured into the various forms for braziers' use, in two large rolling mills, exclusively employed in the business, and the remainder is sent to New York and sold for home consumption or export, principally to France, where it is held in high estimation as the best copper in the known world. The copper of Lake Superior is found to be remarkably free from foreign deleterious matter, is more ductile, and its tensile power greater than that of Cuba or South America. It is also susceptible of a much higher polish, and the brass made from it is altogether superior to any other copper in use.

A distinguished officer of our army, engaged in the manufacture of heavy ordnance for government, has, after many severe tests, pronounced the produce of the Cliff mine, which is refined and rolled in Pittsburg, the best copper in the world for cannon.

Pittsburg, therefore, stands unrivalled for the cheapest and best material for brass cannon and military equipments, and, indeed, for every other purpose to which copper can be fairly applied.

These statements do not rest upon mere assertion, but are attested by the testimony of the officers of the mines managed in this city, from whom the facts are derived. The copper of these mines is sold in Pittsburg at from three-fourths of a cent to one cent per pound less than is obtained for the same article in New York, in consequence of the saving in the cost of transportation and other charges, and the

very moderate expense incurred in the important item of fuel in refining and manufacturing.

All of which is respectfully submitted.

JAMES M. COOPER,
THOMAS M. HOWE,
F. R. BRUNOT,
ISAAC JONES, *Committee.*

Hon. WILLIAM WILKINS, *Chairman.*

Report of the sub-committee on motive power.

SIR: In regard to motive power required either for an armory or a foundery a great deal has been said, and your committee think a great deal too much, and that an undue importance has been given to this branch of the subject. It would hardly seem necessary, at this day, to argue the relative cheapness of water and steam power, as the experience of the world has decided that steam, except in a very few isolated localities, has all the advantage. We shall not, then, go into the general question of the comparative merits of the two powers, but confine ourselves to the particular question before us, and give the figures.

As far back as 1825, a commission of United States engineers, making a report on the location of a national armory, say there was, at that date, "at Pittsburg, fourteen engines of from twenty to eighty horse power, whose powers exceed that of the whole extent of the Muskingum, with a head of eight feet."

The same United States commission estimate that the running of four engines, the number stated as necessary for an armory, would cost for 313 working days, $3,255 60; in which amount they put down the cost of 160 bushels of coal fuel. in 1825, at $4 80 per day, or $1,502 40 per annum; whereas, at the present day, it would cost but $2 85 per day, or $892 05 per annum, reducing the total cost to $2,363 55.

To show how small an actual horse power of the gigantic force of steam is required in the operations of an armory, and how idle is any serious consideration of water power in the matter, we cite as a fact illustrative that at one of the machine shops at Pittsburg, now engaged, in common with others, in turning, boring, and rifling cannon, from twelve to fifty pounders, the motive power is an engine of twelve horse power only, so rated when 100 pounds of steam are carried. The actual head of steam used in the daily running is only twenty-five pounds, reducing the real steam force employed in driving the machinery of the establishment to three horse power. An engine of that small force, with 100 pounds of steam, being sufficient not only to drive the apparatus daily used for turning, boring, and rifling the twelve to fifty pounder guns, but to propel, at the same time, all the various shafting, &c., necessary for the other labors of this establish-

ment, among which is a planer of sufficient capacity to rifle the largest cannon made, as well as the lathes and machines necessary for the employment of seventy-five men.

The data cited from the United States commission of 1825, giving four engines of one hundred horse power each as sufficient for the working of a national armory, is founded on the force of engines as constructed thirty-nine years ago, and the power required to drive machinery of the style of that date. Since then, the improvements in the steam-engine have made those of from forty to fifty horse power of more efficiency in the driving of machinery than those of one hundred horse power, constructed forty years ago. An equal gain has been made in efficiency of machinery, by improvements therein, in the same lapse of time, rendering it indisputable that if four engines of one hundred horse power were deemed necessary forty years ago, one of the same rating, or four of twenty-five horse each, would be more than sufficient now.

But let us leave calculation and come to actual fact. A responsible firm in this city offers to build and put in position an engine, with boilers, pipes, pumps, stacks, &c., all complete, capable of driving one hundred lathes, for $2,500, first cost, and will also guarantee that, at present prices of coal, the fuel to run it shall not cost over one dollar per day of ten hours. Four engines of this capacity would furnish all the power (and a surplus) for the production of 200,000 rifles or muskets per annum. The first cost of them would be only $10,000, and the cost for fuel four dollars per day, or, for 250 working days, $1,000 a year. The interest on the cost of dams, races, forebays, water-wheels, gates, &c., per annum, would amount almost to the first cost of the engines, and the expenses of keeping them up would far exceed the cost of the fuel for the engines. Another great advantage which steam has over water is this: the power required must be distributed over a vast amount of surface, and a great variety of speeds and of powers in order to reach all the lathes, &c., are requisite. If water is used, this involves an enormous expense in the shape of conductors of water to the different wheels, races to carry off the surplus water, water-wheels, &c.; or if one large water-wheel is used and all the power taken from it, then the shafting, gear wheels, pulleys, belts, &c., necessary for the proper distribution and regulation of this power, will cost several times as much as the first cost of the engines, and the expenses of keeping up this machinery many times more than the cost of the fuel for the engines. The steam-engine, on the contrary, can be so adjusted as to meet the requirements of each particular branch, in locality, power, and speed. Another advantage is, that if it is the desire to suspend operations in any one or more departments, it can be done with a corresponding decrease of cost of power with steam, while with water the entire expense of maintenance goes on whether the power is used or not.

Water power is not reliable; it is subject to numerous accidents, high and low water, freezing in winter, leaks in dams, races, &c. But the steam power is always reliable; an accident to the machinery,

with proper use, ought not to occur, and if so, only disables a small part of the establishment, and is readily repaired, while an accident to the water power stops the whole until repaired.

In conclusion your committee would call attention to the following facts in relation to the only armory which now belongs to the government—the one at Springfield, Massachusetts. This armory was originally driven by water power, and part of it is still, for a few months in the year, so driven. It is certain that the inducement for locating the armory there was this water power. What is the present motive power used in this (favored by government) locality? The largest portion of the work is done in shops using steam, and at the old shops they find the water power so unreliable that steam-engines are now being substituted in its stead. This is, it must be remembered, where steam costs (in fuel) six times as much as at Pittsburg.

All of which is respectfully submitted.

JOHN C. BLAIR,
GEO. H. THURSTON,
Committee.

Hon. WILLIAM WILKINS.

DECEMBER 26, 1861.

At a meeting of the citizens of Pittsburg, held at the rooms of the Board of Trade, December 17, 1861, a committee was charged with the duty of having the claims of Pittsburg properly presented to the congressional committee who are considering the subject of a national armory west of the Alleghany mountains. The foregoing papers relating thereto, having been read before the committee, were ordered to be printed in pamphlet form, as auxiliary to the duty assigned them. In addition to the general facts mentioned in these papers, the committee add:

That all sites asking to be chosen as the location of a national armory and foundery, present, as arguments in favor of their selection, certain presumed advantages of site, minerals, labor, transportation facilities, geographical position, &c. These advantages exist, possibly, at all the rival locations, to some extent, either singly or in combinations; but they are only valuable so far as they are superior to similar ones existing at other points, or as forming at any one location the largest combination of those advantages the most to be desired for the site of a national armory and foundery. The existence of any one special advantage, with the exception of fuel, however great its magnitude, at any certain location, would not justify its selection, to the necessity of transporting to it all other requisites; nor would reason support the rejection of a site where all desirable qualities largely existed in favor of one where two or three advantages only combined to a limited degree.

That in some of the cities and towns striving to secure in their midst the location of the governmental workshops in question, there

do exist certain isolated and limited advantages, is not to be denied; nor is it any the less to be denied that the claims of others are but reflections of advantages existing elsewhere; from whose shadow it is sought to create, by ingenious argument or bold assertion, the substance of things desired. To hunt up these scattered qualifications, in order to contrast them with the compact and vast combinations of all desired requisites self-evidently existing at Pittsburg, were a waste of time and labor.

The full examination of the advantages asserted by Chicago, contained in the preceding pages, renders it unnecessary that those of any other western claimant should be, in a similar manner, or to any extent, analyzed. The weakness of Chicago in all the points of fuel, metals, and general manufacturing facilities, is a weakness shared by all western localities. The strength of Pittsburg, as contrasted with Chicago, is even greater in comparison with other western rivals; and it would be but a long reiteration of facts, figures and statements, to present, in a fair side by side contrast, the complete and real advantages of Pittsburg, with the isolated and shadowy ones of other western claimants of the national armory and foundery.

Upon the possession of water power great stress is laid by the citizens of some of the locations designated as desirable sites. In a day and generation past and gone, water power would have been an advantage worthy of argument. In an era of manufacturing, unblessed by the economic power of steam, it would have been precious; but that in the present day of scientific industry it should have been seriously set forth as a manufacturing advantage is so absurd as to render it unnecessary that it should be discussed to any extent, as of influence in controlling the selection of a site for a national workshop.

Those persons who cling fondly to old traditions, and consider water power, with its unreliability of force, cumbersomeness and cost of construction, recurring and prolonged seasons of repair, superior to the compact, reliable, cheap and enduring steam-engine, are referred to some remarks upon the comparative cost and availability of water and steam power in this pamphlet.

The history of metals shows that they seek the point where the fuel required for their working is cheapest, most copious, and of the best quality, and that at such a point they are most cheaply manufactured. Pittsburg is such a point.

The wants of an armory and foundery demand that it should be located where the supply of metals required shall be in the greatest abundance, of the most desirable qualities, of the easiest access, and at the cheapest prices.

The commerce of the south and west, the manufactories and private armories of the east, even the demands of European arsenals, render it indisputable that Pittsburg is such a point; a fact fully substantiated by the articles on iron, steel, and copper, printed in these pages.

The geographical location of a national armory and foundery should be where a condition of things opposite in the extreme exists—where it may be inaccessible—where it shall be accessible. The topography

of the country shows that Pittsburg is a natural stronghold, and can be made impregnable to an invading foe; while the facts in relation to its great transportation facilities to all sections of the country prove its accessibility. The possible emergencies of an armory and foundery demand that it shall be located where the largest supply of labor skilled in the working of all metals exists—where the greatest variety of mechanics permanently reside. It will not be denied that Pittsburg has the greatest supply of labor skilled in working all the metals used in manufacturing munitions of war, and the greatest variety of mechanics.

The requirements of an armory also render it desirable that it should be located where woods, suitable for arms, abound—where leather is plenty—where health is secure. The exposition of the claims of other localities has shown how Pittsburg abounds in these requirements.

By the examination of certain alleged manufacturing advantages presented by Chicago, and through those of that city similar ones claimed by other points, we have endeavored to answer, by comparisons, the question, Where should a national armory and foundery be located in the west?

The prior portion of the title of this pamphlet, "Does the country require a national armory and foundery west of the Alleghany mountains?" is a question to whose affirmative answer we apprehend there will be but few dissenting voices. To the latter clause, "If it does, where should they be located?" we feel, from the indisputability of the absolute dominion of the iron city in all the demands and requirements of a national armory and foundery, and the subordinate and dependent position of all western communities upon it for all such requirements, we may make bold to answer, AT PITTSBURG! sincerely asserting, and honestly believing, that the best interests of the government and the whole country will thereby be most efficiently, cheaply, and securely subserved.

WILLIAM WILKINS,
Chairman.

WM. ROBINSON,	R. T. KENNEDY,
J. H. SHOENBERGER,	J. C. BLAIR,
F. R. BRUNOT,	ISAAC JONES,
JOSIAH KING,	JOHN BISSELL,
JAMES PARK, Jr.,	CALVIN ADAMS,
C. G. HUSSEY,	JONAS R. MCCLINTOCK,
THOS. M. HOWE,	GEO. H. THURSTON,
JAMES M. COOPER,	*Committee.*

MEMORIAL TO THE UNITED STATES GOVERNMENT FOR THE ERECTION OF A NATIONAL ARMORY AT BRIGHTON, PENNSYLVANIA, ON THE FALLS OF THE BEAVER RIVER.

To the honorable the Secretary of War and members of the Senate and House of Representatives of the Congress of the United States.

Whereas, a new armory, or armories, for the manufacture of all arms and munitions of war has become a national necessity, and you will feel called upon at your present sitting to take order for the establishment of one or more such works:

We respectfully ask leave to call your attention to the falls of Big Beaver river, in Beaver county, Pennsylvania, as a site for, and in all respects most admirably suited by nature and art for such national works. As early as the year 1825, this site attracted the attention of our government for the erection of a western armory, and was carefully examined and reported upon by Colonels M'Rea, Lee, and Talcott, commissioners appointed by the War Department, which report is now on file in that office, and will show how it was at that day appreciated for such a work; and that upon a careful measurement of the volume of water passing over the falls in a dry season of a dry year they found it could be counted upon for cubic feet per minute, in the lowest stage of water. The property then examined by them can yet be had for this purpose, in whole or in part, and in all respects much improved. Two substantial dams have since been built across the Beaver, by which two falls of more than twenty feet (20 feet) each may be used, or a fall of forty feet may be taken from one and used, if preferred. Canal, lock and races have been made upon the property, and all ready for the application of the power to machinery at one or both dams, and many erections, dwellings, &c., built, and suitable for works and the accommodation of officers and workmen. Since that time a canal to Erie, Pennsylvania, has been made, and one also to Cleveland, Ohio, passing into the Beaver, the waters of the French creek and Conneaut lake, Pennsylvania, and of the Cuyahoga and Feeder lakes of Ohio, and thus adding to the volume of water in the Beaver. Since then many beds of superior bituminous coal and iron ore have been discovered, opened and worked upon, and in the immediate vicinity of this site ; and now the transportation of coal, pig and wrought iron, mined and manufactured near to, and north and west of it, over the canals and railroads, has assumed large proportions; much of this coal going to New York city. The coal upon and near to this site is proved to be of superior quality for smelting iron, for smiths' and manufacturing uses, and lies convenient to railroad and canal, and for use in the shops and works. Since then we have great and unusual facilities by railroad to all points. The navigation of the Ohio river has been much improved, and up which large amounts of pig iron pass the mouth of Beaver to Pittsburg. Large amounts of pig iron, Lake Superior copper and iron ore, &c., pass the falls by railroad and canal to Pittsburg. Coal from mines on this property now opened can be had for all uses, of a superior quality, for an armory of large or

small guns, &c., at less cost per ton, and of at least equal quality to any to be had at any other point. Brick and fire clays, sandstone, limestone, and all building materials are abundant, and of the best quality, upon this property. Provisions are cheap. and the country remarkably healthy. The country near, and north and west, furnishes abundance of superior oak, walnut, poplar, and cherry lumber, at low prices. Our position to Pittsburg is so distant as to shut out from such works here the evils incident to all large cities—and yet so near, being only about one hour's time by rail, as to command for an armory here all the real advantages which belong to it for such a work, and to make this point virtually a suburb of that city. Her artisans and workmen would prefer living here.

Upon examination, you will agree with us, we think, that the national interests will be best advanced by selecting this site for a national armory, where is at command the *cheapest water power*, and *steam power also cheaper than elsewhere.*

This we hope you will do, and "we will ever," &c.

DANIEL AGNEW, *Chairman*,	THOMAS CUNNINGHAM,
WILLIAM HENRY,	BENJAMIN WILDE,
SILAS MERRICK,	R. P. ROBERTS,
JOHN ALLISON,	B. B. CHAMBERLIN,
A. ROBERTSON,	JAMES PATTERSON,

Joint committee appointed by the county committee of safety and by a general county meeting.

BEAVER COUNTY, *Pa.*, *July* 4, 1861.

Extracts from the report made to the government by Commissioners Colonels McRea and Lee and Major Talcott, in 1825, *after a minute examination of many places for a site for a western national armory.*

"The description given of the position on Big Beaver, Pennsylvania, (Brighton,) leaves but little to say on the character of its water power. The perfect command of the water at all times; the convenient manner of applying it to the wheels which the fall there allows; its entire freedom from interruption by droughts or freshets, and the security it offers to the whole establishment of an armory, from the dam to the last workshop, give it decided advantages in those respects over any other water power that has been examined, with the single exception of that of Ohiopile. It has a further advantage over Zanesville, viz: economy in first cost and subsequent armorial expenses, and healthfulness of position. Comparing it with Ohiopile, it is apparent that the advantages which would accrue to the armory from its position on the Ohio river, from its vicinity to and consequent *command of the resources afforded by Pittsburg*, more than compensate for the additional cost of its water power." "It is more than probable that the (Beaver) river at Brighton will afford, at its lowest stage, at least twice the power that is required for an armory,

without resorting to any portion of the fall which is below the level of high water, except for the forge." "To make the power, as it ought to be, subservient to the most advantageous arrangement of the work will require the use of at least four steam-engines or water wheels, in all cases." "The healthfulness of the country around Pittsburg, and its constant command of all the materials and labor that are either permanently or occasionally required at an armory, leave no room for any unfavorable anticipations in those respects. But its most essential advantages is in its manufacturing establishments and other resources, which would secure the government, in case of emergency, the means of promptly extending the operations of an armory to the production of almost any required number of arms; and in all material respects the position of Beaver is considered as *commanding the resources of Pittsburg.*"

The commissioners appointed in 1841 by government again to examine and report upon different situations for a site for a national armory reported, in 1842, that the water power, as reported by the previous board of commissioners in 1825, was under-estimated "probably 50 per cent. less than the minimum supply of the river; in regard to the sufficiency of the power obtained, for all purposes to which it is applicable in an armory, there can be no doubt, even were the work extended to the fabrication of twenty or even thirty thousand muskets annually."

"The advantages and facilities here presented for trade and intercourse with remote parts of the country, added to the salubrity of situation and climate here enjoyed, contribute to render the site one of the most desirable places for carrying on business operations, of almost every variety, anywhere to be met with in the valley of the Ohio or Mississippi."

Extract from the report of 1825.

"By a comparison of the cost of materials and fuel in the manufacture of the musket at Springfield, Massachusetts, and the probable cost at Beaver, we are satisfied that it may be manufactured at Beaver or Pittsburg for more than fifty cents less than at Springfield in 1823, in which year the musket cost less than at any former period."

NOTE.—The comparison of cost of materials and fuel in the manufacture of the musket at Springfield, Massachusetts, and the cost at Beaver, will prove at this time much more in favor of Brighton and against Springfield than it was in 1823 or 1825. Provisions and labor are also much lower in Beaver than at Springfield, and so of real estate.

NOTE.—It will be observed that both boards of commissioners based their estimates of the power at Brighton upon *their minimum* estimates of the water in the Beaver. It is well known that for eight or nine months every year the water power of the Beaver is at *least* ten times greater than the "minimum."

Estimate of steam power as compared with water power.

To show the comparative economy of steam power and water power, doing the same work, we give below some facts of an official character, the truth of which cannot be questioned, and some calculations and comparisons of the same, which will prove interesting, and to which no exceptions can be taken.

The city of Philadelphia is supplied with water by some four distinct water-works; the chief of which are Fairmount water-works, by water power, and the Schuylkill and the Delaware water-works, by steam power, anthracite coal being the fuel used.

The city of Pittsburg is supplied with water by steam power, and so also is the city of Alleghany, their fuel being bituminous coal.

From the published reports made last year by the superintendents of those works to their respective city authorities are derived the facts as stated, and from the same some comparisons and estimates are made worthy of note.

At Fairmount water-works, Philadelphia, 1860, the cost of raising 1,000,000 gallons of water one foot high, by water power, was, not including repairs or interest upon first cost of machinery, &c., nine one-hundredths of one cent, (.009.)

There were raised in the reservoirs, ninety-five and one hundred and eleven feet high, 3,390,271,757 gallons of water, which yielded the city a revenue of two hundred and sixty thousand two hundred and sixty-five dollars, ($260,265.)

The actual current running expenses for raising this water, yielding this large revenue, was two thousand nine hundred and forty-nine dollars and twenty-seven cents, ($2,949 27,) including pumps, being about one-ninetieth of the revenue.

At Pittsburg city water-works, steam power, 1860, the cost of raising 1,000,000 gallons of water one foot high, by steam power, was at the lower works, not including repairs or interest upon first cost, six cents and three mills, (6 cents and 3 mills.)

At the upper works the cost of raising 1,000,000 gallons of water one foot high was seven cents and six mills, (7 cents and 6 mills,) and over.

Pittsburg city water-works, three steam-engines, raised last year, 1860, 1,360,134,383 gallons of water, at a current running expense of $18,023 81, and from which the city derived a revenue of $71,145 34. The actual current running expense of raising the water from which was derived this amount of revenue was $17,551 10, about one-fourth the amount of revenue.

At Alleghany city water-works, steam power, 1860, the cost of raising 1,000,000 gallons of water one foot high was, not including repairs or interest on first cost, seven cents and six mills, (7 cents and 6 mills,) nearly.

The assessment of water in this city for 1860 was $43,796 71; the actual current running cost of raising the water $4,309 51, being about one-tenth of the assessment.

The actual current running cost of raising the water for Pittsburg and Alleghany cities, four steam-engines, about one-half time, was $22,333 32; which at six per cent. per annum is the interest upon $372,200.

The actual current running cost of raising 3,390,271,757 gallons of water, by water power, at Fairmount, for 1860, was, including pumps, $2,949 27.

The cost of raising this same amount of water the same height, say only one hundred and five feet, at the cost of raising 1,000,000 gallons at Pittsburg and Alleghany, by steam power would be $27,054; making a difference between the cost of steam and water power, in raising the same amount of water an equal height, of $24,105, and that while the engines were working half the time, or little more; the difference in the cost of the same work being the interest, at 6 per cent. per annum, upon more than $400,000.

At Philadelphia Delaware water-works, steam power, the cost of raising 1,000,000 gallons of water one foot high, 1860, was, not including repairs or interest on first cost, eleven cents and eight mills, (11 cents and 8 mills.)

At Philadelphia Schuylkill water-works, steam power, the cost of raising 1,000,000 gallons of water one foot high, 1860, was, not including repairs or interest on first cost, eight cents and two-tenths, (8 cents and 2 mills.)

The actual running current expenses of raising one hundred and fifteen feet high 2,643,736,620 gallons of water, and which gave a revenue of $174,319, was, for 1860, $21,381 40, a little more than one-eighth of the revenue.

The difference being $24,105 in favor of water power at Fairmount, Philadelphia, and against steam power at Pittsburg, (and is much greater between the water power and steam power at Philadelphia in raising the same amount of water the same distance,) and would be an additional cost of two dollars per gun if only 12,000 guns were made a year, or of one dollar per gun greater cost if 24,000 guns a year were made.

The cost of coal consumed at the upper works of the Pittsburg water-works was last year a fraction more than four cents per bushel.

The cost of coal consumed at the lower works was for same time per bushel four cents 57-100, (4 cents 5.7 mills.)

The cost of the fuel consumed at the Alleghany City water-works, called "slack," was, in same time, two cents 87-100 per bushel.

The cost of coal to the government at the arsenal at Pittsburg is four and three-quarter cents.

The water power at Fairmount worked night and day.

The Pittsburg steam-engines worked about twelve and a half hours—little more than half time. Alleghany City the same.

Remark that running water power night and day adds no more to the cost than if working half time, while you double the cost by so working the steam-engines.

Remark, also, that included in the current running expenses of $2,949 27, charged to power at Fairmount, is the attention to and

expense of keeping in order, oil for, &c., of the pumps, which in an armory would not occur, and would much reduce the simple current running expenses of water power alone.

NOTE.—The cost of coal at Brighton would be simply the sum paid the miner for digging. The slack or sleck would cost *nothing.*

In the Springfield *Republican* of 12th July last was a labored paper upon the subject of the supply of our government with arms, in which, while admitting that the armory at that place cannot be made to supply the necessary wants of the nation, it argues against another national armory being erected, and that the armory there and *private contractors* shall be solely relied upon for this necessary requirement of government, and this, too, while showing that the "rebellion found our arsenals depleted of our previous large stock of arms, and that whether this war be long or short, the government must enlarge its manufactory of arms until it can not only arm its soldiers with the best description of arms known to civilization, but lay up a large reserve store for such other emergencies in the future as that now upon us," it asks, "how shall the immediate necessity and the permanent want of arms be supplied?" and answers, "by the greatest possible enlargement of the armory at Springfield, and by private contractors!" While urging this dependence of our government for this so great national necessity, it goes on to show that arms from contractors cost us nearly or quite *double* the cost of such as are made at our armory; and that after the uttermost forcing of the armory at Springfield, it could be made to do little, if any, more than make up for the ordinary *loss* while in service from wear and tear, leaving us entirely dependent upon contractors for arming our people and stocking our arsenals, and this, too, while showing that contractors would mainly have to depend upon *foreign* manufactories to fill their contracts!

While fully agreeing with the Springfield *Republican* that our government will realize the imperative necessity of providing for the arming of our people and stocking our arsenals with a much larger supply and reserve store than was ever before thought necessary, and that, too, whether counting on war or peace, we yet cannot agree that our government will consent to depend upon foreign workshops or upon *one only armory* in *one corner of the republic* for this great and most important "want." We confidently believe that our government will determine that our arms shall be made at home, within our own borders, and keep the large expenditure of labor and money necessarily required for this purpose among ourselves, avoiding the risks and dangers of the ocean, &c.; that in pursuance of this resolve, government will direct a commission of competent, disinterested persons, having its full confidence, to examine and select one or more sites for an armory or armories west of the Alleghany mountains, where arms can in all respects, geographically, economically, in transportation, safe-keeping, &c., be made so as most to conduce to the interests of the government and people, and there upon such site or sites erect an armory or armories *sufficient* to arm our people and store our arsenals with arms known to our government to be of the best

fashion, material, and workmanship, and *all* under the independent control and management of government itself.

We respectfully urge that the Falls of Beaver, at Brighton, Beaver county, Pennsylvania, presents to government a site for a national armory which in every respect possesses the properties desirable for such a work. It has been twice examined and most favorably reported upon by two boards of commissioners appointed by the War Department for this purpose, one of which reported in 1825 (see extracts herewith) that muskets could be made at Brighton or Pittsburg for fifty cents each less than the lowest cost any were ever made at the armory at Springfield. Add to this difference the cost of transportation from Springfield to Pittsburg, and it will be largely increased, and would make a large sum annually upon all the muskets required in all time for the west. The labor and all the materials entering into the manufacture of arms are at this site in great abundance at the lowest cost. Water power great and constant; every facility for cheap and rapid transportation at least equal to the *most favored* point. A very little expense of time and money would enable government to turn out at this site a large supply of arms by simply putting into operation the finishing machinery, and giving out by contract to the neighboring workshops the parts of a musket to be made after patterns furnished them, which are to be finished and put together in the armory. By this means large quantities could be turned out, and in the meantime the machinery and works could be finished and enlarged as desired.

All the national ship building and navy yards, all the armories and national founderies are and have been at the east; all the large sums of money expended upon our large marine service and coast defences are and have been disbursed in the east; and we respectfully urge that arms required for use in that part of the republic lying west of the Alleghanies should be made here, where they can be made as well, and at *less cost*, kept safely, distributed at less cost of time and money, and at less risk, giving employment to our own people, and keeping the money in our own country; in a word, more to the benefit of our own government, and more equally distributing the benefits of labor, &c., among our own people.

MEMORIAL TO THE CONGRESS OF THE UNITED STATES FROM THE CITIZENS OF TOLEDO, OHIO, SETTING FORTH THE ADVANTAGES OF THAT CITY AS A SITE FOR A NATIONAL ARMORY AND FOUNDERY.

To the Congress of the United States:

The undersigned, representing the city of Toledo and its board of trade, respectfully submit the following memorial, containing facts and reasons for the establishment of a national armory and arsenal, and for fortifications to protect its harbor.

The true policy of Congress requires that it should do what it can to equalize, through all sections of our country, the benefits flowing from the disbursements of the national funds. There has been little cause of complaint, in regard to the expenditures for the *civil* service. All portions of our country have shared in these, from the necessity of the case. In the military service, there is now and there has for a long time been a great inequality in the disbursements, to the disadvantage of the interior States. From the necessity of the case, the coast States receive the benefit of all naval expenditures. But, disbursements on army account can claim no such necessity. These should be made to a greater extent in the interior States, to equalize, in some measure, the advantages which the coast States receive from the navy disbursements. There seems to be no good reason why the national workshops that supply our armies with implements of war should be placed on the extreme eastern border of the nation, near to and in the same coast States which derive the chief advantages from naval expenditures.

Congress can perform no higher duty than by equalizing the benefits as well as the burdens of government, that the people in all the States may feel that confidence in its justice which will secure to it at all times their cordial attachment and support.

We believe there exists at present no good reason why the States of the northwest, comprising as they do so large a part of the whole country, should not have the principal national establishment for the fabrication of arms; and we have entire confidence in the national legislature that they will recognize this claim, and, as soon as it can be done without prejudice to the service, that they will authorize the location and establishment of such armories, founderies, and arsenals, as may be deemed sufficient for the national exigencies.

In looking to the future, we can foresee little cause for anticipating a formidable collision of arms with any foreign nation, except on our northern border.

The colonies, growing up with great rapidity in numbers and strength, under the fostering guardianship of that European nation the most powerful in the world for offensive warfare, which occupy nearly the whole continent lying north of us, constitute, with the parent country, a power to cope with which will require all our means of warfare.

The extreme folly of such a war offers no guarantee that it will not take place. To be prepared for it is all that we can do to postpone or prevent it.

This, it is believed, can be done in part by the establishment of such armories, founderies, arsenals, and fortifications along the frontier as will be needed in case of such a war. Believing that Congress will take this view of the matter, it becomes the subject of inquiry where these works should be located. That they should be near the place which will be most likely to call for their use appears obvious, provided no overruling objection is opposed. The great lakes and their borders, in case of such a war, will be necessarily the chief theatre of hostilities. The most salient points on these lakes, provided they are at the same time concentrating points for commerce, would seem to

be the best places for the manufacture of arms, for the erection of such fortifications as shall be needed for their protection, and as rallying points for the forces destined to operate, in conjunction, by land and water. A glance at its geographical position will exhibit TOLEDO, at the western extremity of Lake Erie, as one of the most commanding of these points.

Believing this, the common council and board of trade of this city have requested the undersigned to draught a memorial setting forth the special advantages of this location for a national establishment for the manufacture and deposit of arms, and the erection of defensive works at the entrance of our harbor from the lake.

Whether the government shall decide to establish one large armory for the whole northwest for the manufacture and storage of implements of war, or, following the example of the British government, it shall select several positions best adapted for such a purpose on the lake borders, remains for Congress to decide. It is stated in a late number of the *Army and Navy Gazette* that the British government had lately taken measures for making their great naval seaports independent of Woolwich arsenal in the manufacture of warlike materials, with probably the only exceptions of rifled guns, rockets, and gunpowder. At no distant day the sub-arsenals, at the out-stations, will manufacture gun-carriages, cartridges, tubes, bullets, caps, fuses, and the multitudinous other materials and tools which now compose the alarming and formidable lists of modern weapons of offence and defence. Instructions have been issued for a board of officers to go from port to port, take evidence, and fix the sites for the new arsenals.

Our government will probably do well to imitate this change of policy which experience has proved a necessity in Great Britain. On full consideration, it may deem its interest best promoted by establishing, in connexion with arsenals for the safe storage of arms, workshops for the fabrication of implements of war for army and navy service, at several of the best positions on the lake borders. In the selection of these positions, the choice should be determined on by many considerations, which a commission of officers appointed by the government would make the basis of their decision.

That Toledo would be chosen as one of the best positions for the purpose, we believe for the following among other reasons:

It is on the best harbor for this purpose on Lake Erie—the lake most central and commercial of our great mediterranean waters.

Its harbor is inland, penetrating far southwest towards the great northwest bend of the Ohio at Cincinnati.

It is more central to lake navigation than any other important lake city which is out of the range of cannon placed on British ground.

It has better means of transportation, *in all directions*, by canal, railway, and lake, than any other lake city.

Its position for defence from attacks, by both water and land, is better than that of any other important lake city.

Its advantages for the interchange of arms and equipments with

the present arsenals east, and such others as may be placed at other leading points on lake and river, are unrivalled.

It has a convenient position for gathering in the materials for such manufactures as are most used in war, and for furnishing cheap food to the workmen.

It offers a cheap and abundant water power, and its supply of coal for motive power can be obtained as cheaply as at any lake city; the coal field of Michigan being distant, by railroad, less than sixty miles, down grade.

It has the advantage of any lake rival in the abundance and excellence of wood for timber and fuel.

It can obtain, as conveniently as any other lake city, the various kinds of iron, in its crude and manufactured state, needed for armory purposes.

Its climate, since the local causes of sickness have been removed, is eminently healthful, as is proved by our record of mortality for the whole city and for our public schools during the three last years ending July 1.

Year.	Populat'n of city.	No. of deaths.	Deaths per cent.	Proportion.	Number enrolled scholars.	No. of deaths.	Deaths per cent.	Proportion.
1859....	12,800 est.	289	2.29	1 to 44.4	1,938	3	0.154	1 to 649.35
1860....	13,764 cens.	283	2.07	1 to 48.3	2,019	3	0.148	1 to 685.67
1861....	15,000 est.	316	2.10	1 to 47.6	2,274	4	0.175	1 to 571.43

In the completeness and excellence of her public schools Toledo is not excelled by any city of like population in the country.

In extent, variety, and value of commercial operations, Toledo, in proportion to its size, has no equal in this country.

This might be expected from the superiority of its position and the channels of commerce which it commands. These are:

	Miles.
By lakes, westward to Chicago	800
By lakes, northwestward to Superior City	850
By lakes, northeastward to Ogdensburg	500
	2,150

Meandering the shores of the lakes and connecting straits, the distance of lake navigation would be over 6,000 miles.

	Miles.
By canals, southwest to Evansville	460
By canals, south to Cincinnati	247
	707

The railroads, of which there are six important lines centring in Toledo, radiate more completely, and, therefore, have commercial command of a greater extent of country than the water channels. The direct destinations of railway trains leaving the city are as follows:

	Miles.
To Cleveland	112
To Detroit	65
To Cincinnati	202
To Chicago, by Michigan Southern	243
To Elkhart by Air Line	124
To St. Louis	459
	1,205

The distance from Toledo to Chicago, by the Air Line railroad to Elkhart, and thence by Michigan Southern, is the shortest practical line between the extremities of Lakes Michigan and Erie, being but 232 miles between Chicago and Toledo.

In the amount of breadstuffs received by the various inland channels of trade and forwarded eastward, chiefly by lake, Toledo stands next to Chicago. Counting flour in bushels, the receipts have been:

In 1859	7,250,000
In 1860	14,501,903
In 1861	18,586,347

With ample means to forward the grain on the railroads and canals, and of storage at Toledo, the receipts this year would have been greater by several millions bushels.

The following table gives, in detail, the receipts of flour and other breadstuffs, and the aggregate of other leading articles received by railroads and canals during the year 1861:

Flour, barrels	1,411,456	Hides, pounds	1,372,704
Wheat, bushels	6,173,000	Cotton, bales	3,430
Corn, bushels	5,276,221	Dressed hogs, pounds	8,816,283
Other grains, bushels	79,846	Cattle, head	73,820
Pork, barrels	136,087	Hogs, head	180,080
Beef, barrels	32,313	Sheep, head	32,100
Lard, barrels	33,050	Staves	4,522,130
Oil, barrels	25,060	Lumber, feet	34,948,038
Whiskey, barrels	159,666	Laths	7,728,700
Tobacco, hogsheads	7,002	Shingles	13,891,915
Tobacco, cases, tons	768	Sundries, pounds	77,716,652
Grass seed, pounds	241,315	Salt	158,659
Wool, pounds	1,147,831		

The grain trade is but one of many branches that go to make up the large amount of our commerce. The *Blade's* annual statement of the exports and imports of 1860 is here given:

Exports	$46,727,754
Imports	52,243,626

Of this less than thirteen millions consisted of flour and grain.

Manufactures have increased more rapidly than commerce and population, as the following table based on the United States census returns for 1850 and 1860 will show:

	1850.	1860.
Number of establishments over $500	38	100
Capital invested	$98,200	$660,700
Value of materials used	$165,295	$997,889
Number of hands employed—male	231	885
Number of hands employed—female	32	223
Annual wages paid	$75,240	$318,588
Value of annual products	$304,525	$1,966,240

That this branch of industry is to receive a large development in Toledo, may be reasonably anticipated when we consider the excellence of its position, climate, means of education, cheap living, facilities for gathering in the various raw materials of a great variety of manufactures, and for distributing the completed fabrics over a wide extent of territory.

No other port on the lakes, having a reasonable claim for the location of a national armory, is so central for the distribution of arms along the northern frontier, by lake and by railroad, out of the reach of an enemy. This will appear evident by an inspection of the accompanying map and chart to which special reference is made.

MATTHEW BROWN,
DENISON B. SMITH,
DENISON STEELE,
Of the Board of Trade.
JAMES MYERS,
J. B. TREMBLEY,
N. M. LANDIS,
Of the Common Council.

MEMORIAL TO THE GOVERNMENT OF THE UNITED STATES FROM THE CITIZENS OF CHICAGO, ILLINOIS, SETTING FORTH THE ADVANTAGES OF THAT CITY AS A SITE FOR A NATIONAL ARMORY AND FOUNDURY.

The undersigned, having been appointed by a meeting of citizens, by the Common Council and by the Board of Trade of the city of Chicago, a committee to prepare a memorial to Congress, asking for the

establishment of a national armory and foundery in the northwestern States, and at Chicago, if this shall be found the most eligible site for the purpose, beg leave to submit the following considerations in support of their request:

Passing events demonstrate the necessity of a more prompt supply and rapid distribution of arms than the government can at present command.

Whole armies of loyal men, rallying to its support, have been, and still are without arms and equipments, and for this want are forced to remaininactive, while our free institutions are attacked and endangered.

The number of soldiers now (October 20, 1861) enrolled in service of the government, from the northwestern States, is 252,000, as follows:

	Marched.	Total.
Ohio	51,000	60,000
Indiana	38,000	46,000
Illinois	42,000	54,000
Michigan	12,500	22,000
Wisconsin	10,000	18,000
Iowa	10,000	18,000
Minnesota	3,000	5,000
Kansas	5,000	6,000
Missouri	13,000	19,000
Nebraska	1,500	2,000
Colorado	1,000	2,000
		252,000

It would have been much greater but for the lack of arms, not enough of which, of good quality, could be found within these bounds, at the outbreak of the present war, to equip a single regiment.

The people of these States (Ohio, Indiana, Illinois, Michigan, Iowa, Wisconsin, Minnesota, and Missouri,) earnestly desire that the means of producing their own arms, should, with as little delay as possible, be placed in their own hands.

Their commerce with the Gulf of Mexico, by the Mississippi river, is already cut off. Their vast commerce on the lakes is only carried on by the permission of the British government, (recently proved to be half unfriendly,) which has the power at any moment to interrupt it.

It will not, we think, be disputed that justice and good policy require of the government as equal a distribution of arms, and its expenditure for their manufacture in the different sections of the Union, according to population, as can conveniently and safely be effected. Since the destruction of that at Harper's Ferry, there remain two United States armories—one at Springfield, Massachusetts, and the other at Watervliet, New York, and there is a national foundery at West Point.

A glance at the present population of the northern States will show the justice and necessity of locating the third in the northwest.

POPULATION OF STATES FROM 1840 TO 1860.

States.	1840.	1850.	1860.
EASTERN AND MIDDLE.			
Maine	501, 793	583, 169	619, 958
New Hampshire	285, 574	317, 976	326, 062
Vermont	291, 948	314, 120	315, 827
Massachusetts	737, 699	994, 514	1, 231, 494
Connecticut	309, 978	370, 692	460, 670
Rhode Island	108, 830	147, 545	174, 621
New York	2, 428, 921	3, 097, 394	3, 851, 563
Pennsylvania	1, 724, 033	2, 311, 786	2, 924, 501
New Jersey	373, 306	489, 555	675, 812
Delaware	78, 085	91, 532	112, 353
Maryland	470, 019	583, 034	731, 565
WESTERN.			
Ohio	1, 519, 467	1, 980, 329	2, 377, 917
Illinois	476, 183	861, 470	1, 687, 404
Indiana	685, 866	988, 416	1, 370, 802
Iowa	43, 112	192, 114	682, 002
Michigan	212, 267	397, 654	754, 291
Minnesota	.....	6, 077	172, 793
Missouri	383, 702	682, 044	1, 201, 209
Wisconsin	30, 945	305, 391	768, 485
Kansas	.....	.....	143, 642
Nebraska Territory	.....	.....	28, 893

It is thus seen that about one-half the population of the loyal States is now found west of the Alleghany mountains, and the ratio of increase points to a day, not distant, when a great majority will be placed in this region.

The country is a vast plain, without natural barriers to defend it, or any of those mountain fastnesses which in other countries have often been proved the strongholds of liberty and national independence. At this moment its citizens are arrayed in arms to defend it from vast armies on the south. From the north it is equally open to attack. It abounds in wealth, particularly in grain and cattle, which are most tempting to ambitious military leaders and starving armies; its position most nearly resembling Egypt, once free and powerful, but now for centuries subject to foreign domination.

The commerce of Chicago alone, which only dates back about twenty-five years, and is still in its infancy, amounts in value, during the year 1861, to $200,000,000, and added to that of other cities on the lakes, makes a total of over $400,000,000, exceeding in value the entire commerce of the thirty-four United States with all foreign

countries, *yet this vast wealth has no other defence than one armed vessel mounting a single gun.*

It would not be difficult to show, that under the policy of the government hitherto pursued, the great interests of this extensive region, both as regards encouragement and protection to commerce, and affording means of self-defence, have been greatly neglected, and it will be in vain to hope that compensation for this neglect can be made by establishing another national armory in any of the eastern States, even if located at Pittsburg on the western slope of the Alleghanies. If the situation of Pittsburg were further removed than it is from the boundaries of the States in rebellion, and from Harper's Ferry, where an armory was captured without an effort from loyal States made for its defence; if the navigation of the Ohio river were less uncertain, and the single trunk of railroad connecting that city with the west less exposed than it is, it would still be true, that so far as the northwestern States are concerned, they can be more surely, cheaply, and rapidly supplied with arms from New York or New England, than from that point.

A glance at the map of the Northern States shows that Pittsburg is actually 114 miles nearer Philadelphia, on the Atlantic coast, than to the city of Chicago. The two great lines of railroad and water navigation by canal and lakes have more abundant facilities of transportation than the road and canal leading west and to Lake Erie, from Pittsburg.

If England should ever be induced to make war upon us, in common with the southern States, the communication between the eastern and western States might be greatly embarrassed, if not interrupted, at that neck of land between Lake Erie and the Ohio river, by which the two sections are connected.

It is true that manufactures of iron and other metals have not, as yet, been established in the northwest on a scale so extensive as in the older eastern States, but as the crude materials and the mechanical skill are found here, and only require the fostering care of government to develop vast resources, we conceive this fact so far from being an argument against our request is, indeed, a strong reason why an armory and foundery should be located in this region.

All manufactories established here will not only bind the western States more firmly to the Union, but will be so much added to the national resources above those which it possesses already. If these, and such other considerations as may suggest themselves, should be sufficient to demonstrate the propriety of locating a national armory and foundery at any point in the northwestern States, it is believed that Chicago presents advantages superior to any other site within their limits. If, on full examination, it should be found otherwise, we will cheerfully yield our claims in favor of the point in those States which shall be shown to be more favorable.

The points most important in reference to the situation of a national armory are deemed to be,

1st. Geographical position with reference to the region to be sup-

plied with arms, and facilities for cheap and rapid transportation to the points where they may be needed.

2d. Materials required in the construction of works, and in the manufacture of arms and munitions.

3d. The abundant supply of labor and mechanical skill.

4th. Supply and cheapness of motive power.

5th. Healthfulness of location.

6th. Cheapness and abundance of food.

7th. Security from attack by any enemy.

FIRST. *The geographical position of Chicago, and means of communication with other points.*

Chicago is situated on the western shore of Lake Michigan, 18 miles north of its extreme south point, in latitude 41 degrees 59 minutes, and longitude 87 degrees 38 minutes west, at the mouth of the Chicago river, which affords a good harbor. The Illinois and Michigan canal reaches from Chicago to La Salle, at the head of steamboat navigation on the Illinois river, a distance of 100 miles. This canal is of a capacity to admit boats of 250 tons burden, and through this channel, and the Illinois river, water communication is established with the Mississippi river and all its tributaries. The distance from Chicago to Cairo by water is 570 miles; from Pittsburg to Cairo is 1,216 miles, making 646 miles difference in favor of Chicago. The distance to St. Louis by water is 300 miles; from Pittsburg to St. Louis is 1,416, making a difference in favor of Chicago of 1,116 miles.

Through Lake Michigan and the straits of Mackinac, Chicago has communication by sail vessels, steamers, and propellers, with all the ports on Lake Huron and Michigan.

Through the ship canal of the Ste. de St. Mary all these vessels are admitted to the navigation of Lake Superior. A line of steamers has for many years plied from Chicago to Superior City, a distance of 700 miles. Through the St. Clair river and lake, and the Detroit river, vessels pass to Buffalo, and all ports on Lake Erie, and so long as peace is maintained with England, they may pass through the Welland canal into Lake Ontario.

When it is remembered that sixty miles of transportation by railroad is equivalent in cost to 1,000 miles by water, the advantages of this water communication will be duly appreciated. To show more fully the capacity of the lake marine, it may be added that in 1857 the number of arrivals and departures of vessels at the port of Chicago was 7,557, with a tonnage of 1,753,413; and during the winter of that year, there wintered in the harbor, seven steamers, twenty propellers, and 214 sail vessels.—*New American Cyclopedia.*

But the pre-eminence of Chicago in facilities of transportation is most fully demonstrated by the number and extent of her railroads—thirteen great trunk lines, converging from as many distant and important points, centre in her limits. A knowledge of these may be best gained by a glance at the map hereto attached; but the follow-

ing table, we venture to add, as showing the relative distances from Chicago and Pittsburg to the places named:

	Miles.
From Chicago to Cairo	365
" " St. Louis	281
" " Alton	256
" " Quincy	268
" " Burlington	210
" " Fulton	136
" " Rock Island	183
" " Galena and Dunleith	188
" " Prairie du Chien	240
" " La Crosse	280
From Pittsburg to Cairo	686
" " St. Louis	630
" " Quincy	648
" " Rock Island	650
" " Dunleith	655
" " Prairie du Chien	707
" " La Crosse	747

By the above comparison it will be seen that Chicago has the great advantage in distance to carry freight to all the points westerly and southerly, and add to the fact her roads, with one exception, are all one gauge; and upon all the railways now centring in Chicago, the government can obtain, to transport troops, arms, and munitions of war, 16,000 cars.

All these roads are intersected by other lines crossing them, or have branches diverging, so as to furnish two or more routes to all the more important points which it would be desirable to reach.

SECOND. *Materials required in the construction of works and in the manufacture of arms and ammunition.*

Stone.—The Athens stone, furnished in inexhaustible quantities from the banks of the Illinois and Michigan canal, twenty miles from Chicago, is unsurpassed by any in the world, for beauty, facility of being worked, and for durability. It is furnished at Chicago for $4 per cord.

Brick.—Beautiful cream-colored and red brick, of great durability, can be delivered in Chicago for $4 per thousand.

Wood and Lumber.—Chicago has been for many years quite the largest lumber market in the world. In 1857, the receipts were as follows: Lumber, 459,639,198 feet; shingles, 131,832,250; lath 80,130,000. The manufactured articles of wood during the same year, were as follows:

Agricultural implements	$1,134,300
Carriages and wagons	948,160
Furniture	543,000

Sash, doors, &c.	$1,093,397
Barrels and wooden-ware	357,250
	4,275,107

[*New American Cyclopedia.*

The lumber for this market is composed of pine, all varieties of oak, black walnut, cherry, and maple, obtained from the forests of Michigan, Wisconsin, northern Indiana, and Canada, and is cheaper than in any other large market in the United States, and is found in inexhaustible quantities on the shores of all the upper lakes.

Lead.—It is impossible to give an accurate estimate of the production of this metal in the mines of Illinois, Wisconsin, and Iowa. In 1857 the amount shipped from Galena alone amounted to 485,475 pigs, or 34,183,250 pounds. These are the principal lead mines of the United States, and the lead can be transported to Chicago over the Galena and Chicago Union railroad at 18 cents per 100 pounds, the distance being 180 miles. Much of the lead of Wisconsin is brought from Mineral Point, which is 30 miles nearer Chicago. Lead is consequently from one-half to one cent per pound cheaper here than in any eastern city.

Copper.—Nearly the only mines of copper which can be profitably worked in the United States are those on the south shore of Lake Superior; their product for 1853 was 2,000 tons, and has increased so as to supply at the present time a great part of the demands of manufacturers in this country.

This copper can be more easily and cheaply transported to Chicago than to any other large cities, excepting Detroit and Milwaukie, and in case of war with England the transportation of copper here would be less liable to interruption than that to any point further east.

IRON.

Without fear of comparison, it may be said that no city on the continent possesses equal advantages with Chicago as a point for the iron manufactories, and this, whether we consider the varieties of metal to be had, their unlimited supply, or the cheap rate at which they can be delivered here. This fact is attested by the rapid progress of their manufactures, thus keeping pace with the gradual and sure development of the immense coal fields lying about the city, and referred to in another part of this paper. The sources of iron supply are various, in enumerating which it will accord with the object of this memorial briefly to specify the peculiarities of metal received from each.

I.—*Lake Superior iron.*

The deposits of these remarkable ores are distributed through a district of some sixty or eighty miles in extent, on the southern shore of Lake Superior, south and southeast of Keweenaw bay, and extending to within thirty miles of the mouth of the Escamaba, which

empties into Little Bay de Noquet, an arm of Lake Michigan; a railroad now in progress terminates at this point, and intersecting in its route the most extensive and valuable deposits of iron will, when completed, deliver the metal at Lake Michigan at the same price it is now laid down at Marquette, on Lake Superior. The deposits here are practically inexhaustible. This iron is a gray charcoal iron, and of qualities known as Nos. 1 and 2, the former adapted particularly for founderies, and the latter for mill purposes, makes strong sound castings, and when run hot, without any shrinkage, while in wrought iron, its ductility and tenacity are unparalleled. It is pre-eminently the No. 1 iron of America, and is used extensively for founderies and machine shops throughout the north, from the lakes to the seaboard. While it has frequently been tested by the side of other iron in car wheels, car axels, and other uses requiring a first class iron, perhaps the experiments most satisfactory to government would be those made in the hands of Major Wade, of the ordnance department, who was employed to test the tenacity of the guns made for government. Among many varieties of bar iron, which he tested from localities at home and abroad, the following result of the experiments will show the comparative quality of this iron:

	Strength in lbs. per square inch.	
Iron from Salisbury, Conn	58,009,	Johnson & Reeves.
Iron from Sweden	58,184,	do.
Iron from Pennsylvania	58,531,	do.
Iron from Essex county, N. Y	58,912,	do.
Iron from England	68,544,	Brunel.
Iron from Russia	76,069,	Johnson & Reeves.
Iron from Lake Superior, Carp R	89,582,	Major Wade.

This iron can be laid down here at from $20 to $23 per ton, a price cheaper than at any other lake port, and which low rate will be lessened still more on the completion of the railroad, which will bring the metal directly to Lake Michigan, and thereby save over the most expensive water route on our lakes a transport of nearly 400 miles.

II.—*Missouri iron.*

The "Iron mountain," "Pilot Knob," and "Stephens's mountain," which yield these valuable deposits in inexhaustible quantities, are situated about 70 miles southwesterly from St. Louis. These varieties, which do not materially differ in their important characteristics, are all charcoal irons. Nos. 1 and 2 are excellent in castings and wrought iron. They are extensively known and used; the latter, known as their "best charcoal No. 2 iron," is the kind almost exclusively used by the Pittsburg manufacturers, even at the long distance of transportation, for making their No. 1 boiler plate, and other tough irons. This iron can now be had at the mines at the low rate of $16 per ton, and the freight will not exceed $5 per ton, making this valuable iron cost, delivered in Chicago, from $20 to $22 per ton.

III.—*Soft New York and Pennsylvania iron.*

These irons, from New York and the northern and northeastern counties of Pennsylvania comprise, in their varieties, some of the choicest brand of gray anthracite iron. They make excellent castings for all kinds of light and heavy mill work. They are brought by water to Buffalo, and can be delivered here at $21 per ton.

IV.—*Ohio iron.*

We would particularly specify the well known varieties of *Massillon* and *Hanging Rock*, both first quality irons. They are soft and malleable, similar in many qualities to the Scotch pig, and superior for all classes of work. The former can now be afforded here at $22 to $24, and the latter, by the cheap rate of transportation, at $20 per ton.

V.—*Tennessee iron.*

These are gray charcoal irons, and well adapted for strong heavy work. They can be cheaply bought here, and now can be had for $20 per ton.

VI.—*Indiana iron.*

This is a charcoal iron, and, for many purposes, well adapted. It has been used extensively for light castings. It can be delivered here at $23 per ton.

VII.—*Wisconsin iron.*

This gray charcoal iron is found at Maysville, Wisconsin, on the line of the Northwestern railroad. It is a soft brittle iron, but in castings runs sharp and perfectly solid. It costs here from $15 to $20 per ton.

VIII.—"*Scotch pig.*"

Although almost every distinguishing characteristic to which this long celebrated iron owes its reputation is found in the first two irons in this enumeration, viz: the Lake Superior and Missouri, still there are qualities of the Scotch iron which make it desirable to mix it with other kinds of iron for some uses in the foundery. Its qualities are too well known to need any recapitulation here. At no northern city, save those directly on the seaboard—and at certain seasons of the year they are not an exception—can this iron be delivered at a less cost of freight as at Chicago. From the English or Scotch port to Quebec, and from there here, it is carried at a small, and at times a nominal, rate for ballast. The choicest brands can now be had here at $25 per ton.

The cost and supply of steel and wrought iron are proportional to those of cast iron; it will not be necessary to go into detail on this subject. It may be interesting to know that Lake Superior re-

fined charcoal iron, worked by hand, tougher than Low More, (the best English,) can be delivered at Chicago at from $50 to $75 per ton, and Missouri iron, of the same grade, at the same price, while the cost of the Low More iron is generally $135 per ton in the Atlantic ports of this country.

THIRD. *Supply of labor.*

The population of the several States surrounding Chicago has already been given. We annex, in order to give a more definite idea of the city itself, the following

Table of the comparative population of cities.

Cities.	1840.	1850.	1860.
New York	312, 710	515, 547	814, 277
Philadelphia	258, 037	408, 762	568, 034
Pittsburg	21, 115	46, 601	49, 220
Chicago	4, 479	29, 963	109, 263
Cincinnati	46, 338	115, 436	160, 060
St. Louis	16, 469	77, 860	162, 479

In 1840 it will be seen that, when Pittsburg had 21,115, and Cincinnati 46,338, and St. Louis 16,469, Chicago had but 4,479.

In 1860 Chicago, by the above table, had increased, in the twenty years, to 109,263.

This increase, so largely in favor of Chicago over other cities, it is claimed, is on account of her central position, ease of access, and many avenues to concentrate to, and distribute from, to a very large territory, embracing several States.

The population of the city is principally made up of emigrants from various countries of Europe and the eastern States. The following table, taken from the New American Cyclopedia, shows the number of men employed in the various manufactures of iron, wood, &c., in 1857. There are to be found, both in the city and the surrounding country, a large number of skilful mechanics, not embraced in the number reckoned as thus employed.

	Hands.
Iron works, steam engines, etc.	2,866
Stoves	70
Agricultural implements	575
Brass and tin ware	351
Carriages and wagons	831
Furniture	504
Stone and marble	843
Planing mills, sash, doors, &c.	554
Leather	126

	Hands.
Barrels and wooden ware	171
Brick	500
Harness and saddles	220
Sheet and bar lead	75
White lead	10
Types, &c.	20
Boots, shoes, and clothing	1,750
Total	7,436

In 1857 there were in Chicago one hundred and thirty-seven manufacturing establishments propelled by steam.

FOURTH. *Supply and cheapness of motive power.*

COAL.

The coal required for an armory and foundery would be, (unless the government should desire to smelt its own iron,) for the purpose of motive power. Steam is so superior to water power as to be preferred, even when the latter is abundant.

The coal fields of Illinois include an area of 375 miles in length by 200 maximum breadth, (*New Am. Cyclopedia,*) and are reached at numerous points from Chicago, by four trunk railroads, and by the Illinois and Michigan canal. The most northerly point reached by the coal fields is at Morris, 65 miles from Chicago, by the Rock Island railroad, and by the canal, at La Salle, 100 miles from Chicago, the terminus of the canal. There are three veins of vast extent; the lowest is four feet, the middle six, and the upper four feet in thickness. The Rock Island and Illinois Central railroads cross these beds at La Salle, where they are most extensively worked.

The coal fields most easily accessible from Chicago stretch southwesterly from La Salle on both sides of the Illinois river, from the banks of which it is mined. The veins along the river are of the aggregate thickness of from eight to fourteen feet. These beds, it will be seen, are inexhaustible.

The richness of this coal for steam or motive power is established beyond a question by practical trial, and by chemical analysis.—(*Prof. Blaney, Prof. McChesney, P. W. Gates, machinist, Chicago.*)

The coal is of the bituminous variety, and contains from forty-eight to sixty-two per cent. of fixed carbon.

The price at Chicago is: Pure lump, per ton, $2; nut size of same, $1 50; fine, $1 25.

The best qualities of Ohio coal are sold at Chicago for $3 25 to $3 50 per ton in large lump, and in form suitable for blacksmithing and smelting, at from $2 25 to $2 50 per ton.

The best Lehigh, large lump, $5; Pittson, Scranton, ——; River Lehigh, $4; fine, of best quality for blacksmithing, $2.

Charcoal is furnished at Chicago, at from four to five cents per bushel.

FIFTH. *Healthfulness of location.*

The situation of Chicago, on the gravelly shore of a large body of fine water, where there are no unusual sources of disease, is evidently favorable to health. Recently a system of sewerage has been introduced, by which the unfavorable effects of the great increase of population on health are entirely obviated. The following table, from the Chicago Medical Journal, for May, 1861, is taken, so far as it relates to this city, from the record of interments, and is not liable to any material inaccuracy:

TABLE OF MORTALITY PER CENTAGE IN SEVERAL OF THE LARGER CITIES OF THE UNITED STATES FOR SEVERAL YEARS PAST.

The large comparative mortality in 1855, it will be recollected, depended upon the Asiatic cholera, especially cutting down emigrants. The general result of the table scarcely needs comment. Chicago is a healthy city:

	Boston.	New York.	Philadelphia.	Baltimore.	Charleston.	New Orleans.	St. Louis.	Cincinnati.	Chicago.
1841	.....	.....	.....	.....	.....	.....	.....	....	.....
1842	.....	.....	.....	.....	.....	.....	.....	....	.....
1843	.....	.....	.....	.....	.....	.....	.....	....	1.56
1844	.....	.....	.....	.....	.....	.....	.....	....	2.56
1845	.....	.....	.....	.....	.....	.....	.....	....	2.38
1846	2.59	2.61	1.70	2.35	2.09	4.13	3.80	....	2.30
1847	3.10	3.46	1.89	2.58	1.82	8.31	4.62	....	2.88
1848	2.84	3.25	1,92	2.76	2.32	6.95	3.86	....	2.60
1849	3.79	4.64	2.28	2.84	2.75	8.05	10.62	....	5.30
1850	2.64	3.07	1.96	2.49	2.85	6.03	5.04	....	4.72
1851	2.68	4.05	1.97	2.40	2.25	5.25	4.39	....	2.56
1852	2.52	3.63	2.47	2.79	3.59	5.88	4.44	....	3.44
1853	2.80	3.64	2.01	2.58	2.39	10.24	3.32	....	1.99
1854	2.82	4.46	2.39	2.89	4.27	6.57	5.35	....	5.39
1855	2.54	3.43	2.03	2.65	2.18	.....	.....	....	2.46
1856	2.59	3.06	2.40	2.67	2.86	.....	.....	....	2.17
1857	2.36	3.16	2.09	2.55	2.36	.....	2.88	....	2.17
1858	2.25	3.06	2.00	2.64	.....	.....	2.92	....	2.04
1859	2.14	2.82	1.77	2.23	.....	.....	3.05	....	1.75
1860	2.47	2.79	2.04	2.27	.....	.....	3.55	....	1.88

SIXTH. *Cheapness and abundance of food.*

Chicago is so well known as the centre of a grain growing and stock raising country that it is unnecessary to enter into details of prices, which are always as much below those of the eastern States

as the cost of transportation. At this moment her vast storehouses are overflowing, notwithstanding the over-crowded state of transportation routes to the east. The operatives of nearly all the manufacturing establishments of this country and many of those of Europe are in great part fed with corn, and wheat, and beef, and pork from Illinois, and any action of the government tending to encourage manufactures and home consumption of the products of the soil would essentially promote the agricultural interests of the northwestern States.

SEVENTH. *Security from attack by foreign or domestic enemies.*

The distance of this city from the Ohio and Mississippi rivers is so considerable, that even supposing an enemy to cross the former or to ascend the latter from the southern States, or descend it from the British possessions, there would still be time and means to defend it. Lake Michigan can readily be rendered inaccessible to hostile fleets by fortifications at the Straits of Mackinac. In case of a war with England, the tug-boats, propellers, steamers, and other vessels on the lakes could quickly be converted to naval uses, manned by our sailors, and armed from our national arsenals; and the large accumulation of *material* of war at some such point on the lakes is essential to the safety of that commerce, to the extent of which we have already alluded. As the great depot for grain and provisions, the occupation of Chicago by a hostile force would be no less calamitous than that of New York or Philadelphia.

The people, like those of the whole State, and those adjacent, are bound to the Union by the strongest ties of interest, the highest considerations of duty, and the deepest sentiments of patriotism; and their security can only be impaired by the neglect of the government to furnish the people of the northwest with the means of self-defence. It is not too much to assert that while our government exists, this city must be secure.

Conclusion.

Your memorialists have thus briefly stated the most important points bearing on the subject, omitting, for the sake of brevity, many of subordinate importance, which will readily suggest themselves to the intelligent reader. We trust that the statement already made sufficiently demonstrates that materials and means for the manufacture of arms exist in abundance in the northwestern States, and only require that fostering care already bestowed by the government on other sections, to be developed into numerous and valuable articles of industry.

For the comparisons instituted, we have, for the most part, chosen Pittsburg, because it is a city of well established character for manufacturing facilities, and because its claims to this armory have already been urged upon the attention of Congress.

By those who may take the pains to compare the figures we have given, with the statements of the memorial of the citizens of Pittsburg, it will be perceived, that in regard to building materials, lum-

ber, iron, copper, lead, coal for smelting, provisions, transportation and security, the advantages are in favor of Chicago. In supply of skilled labor they are fully equal; while, as respects motive power alone, Pittsburg has the advantage in the cost of bituminous coal. It requires but a little calculation to show that this difference in the cost of coal, for one purpose, is more than counterbalanced by the other considerations which we have named. In healthfulness, Chicago does not suffer by a comparison with any city on the continent. For security, she must certainly take precedence over any city in the vicinity of the Ohio river; while, in the patriotism of her citizens, she may, with the entire State, challenge comparison with any city and state in the Union. Since the fact of the government owing ground, on which to place an armory, both at Pittsburg and at Rock Island (in Ill.) has been advanced as an argument in favor of those points, it may be proper to add that, should Congress select Chicago as a site, suitable grounds for the purpose will be furnished free of cost.

All of which is respectfully submitted.

JOSEPH H. TUCKER,
ALBERT E. KENT,
DANIEL L. QUIRK,
SAMUEL SHACKFORD,
E. W. BLATCHFORD
WILLIAM LILL,
MARCUS C. STEARNS,
JOHN C. HAINES,
STEPHEN CLARY,
JULIAN S. RUMSEY,
JOHN Q. HOYT,
M. MCDONALD,
ALONZO HUNTINGTON,
CHARLES WALKER,
S. S. HAYES,
DANIEL BRAINARD,
EDWIN C. LARNED,
THOMAS B. BRYAN,
WESLEY MUNGER,
Committee.

THE MEMORIAL OF THE CHAMBER OF COMMERCE IN THE CITY OF CINCINNATI TO THE CONGRESS OF THE UNITED STATES, IN RELATION TO A NATIONAL ARMORY WEST OF THE ALLEGHANIES.

Your memorialists, in representing the interests of their constituents, take it for granted that the national armory will be located in reference to the general welfare, but especially in regard to the military objects in view. We will therefore state in advance that it is the established opinion of military engineers, as well as the plain dictate of common sense, that the elementary conditions of any place selected for a national armory should, if possible, be these:

First. Centrality, in reference to the large region of country to be supplied.

Secondly. The utmost facilities of transportation to and from the armory.

Thirdly. The most ample materials for the manufacture of arms.

Fourthly. Sufficient power, either natural or artificial, to carry on an extensive factory.

Fifthly. An ample supply of cheap food and machinery necessary to such an establishment.

It is evident that most if not all these conditions are necessary to the cheap manufacture of arms and their easy distribution. It is evident, also, that many fine town sites and pleasant and flourishing places might be selected, which the want of these conditions would make their selection improper. On the other hand, it will be conceded that the location is best adapted to a national armory which shall combine all or most of these advantages. Your memorialists claim that Cincinnati, or its immediate vicinity, in the Miami country, combines the conditions we have stated as nearly as any one point in the valley of the Mississippi. We shall, therefore, proceed to state some of the facts which, in our opinion, fully sustain this position.

1. CENTRALITY.—Looking to the whole country in the upper valley of the Mississippi, and especially to the Ohio valley, Cincinnati is more completely the centre of trade, population, and transit commerce than any one point within these limits. To prove this, it is only necessary to refer to some obvious facts of geography and statistics. From Cincinnati to Lake Erie is about two hundred miles; to the sources of the Kanawha two hundred and fifty miles; to the sources of the Tennessee two hundred and sixty miles; to the junction of the Alleghany and Monongahela two hundred and forty miles; to Cairo, mouth of the Ohio, three hundred miles; and to the great bend of the Tennessee, at Huntsville, three hundred and fifty miles; these distances being estimated on right lines. Thus we find that an elliptical circumference drawn through the southern shore of Lake Erie and the southern bend of the Tennessee river will comprehend the States of Ohio, Indiana, Kentucky, and a large part of Illinois and Tennessee, with western Virginia, the great central basin of the United States, to which Cincinnati is the centre geographically, commercially, and socially. This immense region contains two hundred thousand square miles and eight millions of people. If it be claimed that a larger circumference than this should be taken into view, we have only to add that western Pennsylvania on the east, and Missouri on the west, the peninsula of Michigan on the north, and the valley of the Tennessee on the south, will nearly counterpoise each other, so that the same general fact remains, that to the great central basin to which the rivers of the west pour their waters Cincinnati is, in every just sense of the term, the centre of commerce and population.

Taking the basin we have described, from Lake Erie to the Tennessee, the average distance of the southern semi-circumference of the valley is 285 miles from Cincinnati, and of the northern 170 miles, making a diameter, passing through Cincinati, of about 455 miles. This will more evidently appear by taking several actual diameters and comparing them together:

	Miles.
From the sources of the Miami to the great bend of the Tennessee	500
From the sources of the Wabash to the sources of the Kanawha	420

	Miles.
From Cairo to Pittsburg	540
From the mouth of the Tennessee to the sources of the Muskingum	460

These diameters represent an area within which Cincinnati actually does control the great body of the trade and production, although in some articles of manufactures and in others of commerce Pittsburg and Louisville share largely. The commerce of the Miami, of the Wabash, of the Scioto, the Muskingum, and the Kanawha almost exclusively belong to Cincinnati, while, on the other hand, the trade at particular points extends far beyond the natural boundary of the Ohio valley.

In order that this point may be exhibited in the most complete manner, we shall refer to two other tests, viz: radial lines and density of population. It has already been shown that no place is more entirely *central* than Cincinnati. It remains for us to show that it has the shortest distances to the cities of the Atlantic and the Gulf. The following are the radial lines from Cincinnati, Louisville, St. Louis, and Chicago, to the chief cities of the coast:

	CINCINNATI. *Miles.*	LOUISVILLE. *Miles.*	ST. LOUIS. *Miles.*	CHICAGO. *Miles.*
To Boston	750	830	1,050	870
New York	570	650	885	730
Philadelphia	500	580	825	700
Baltimore	430	490	750	640
Charleston	500	500	720	770
Mobile	640	550	570	790
New Orleans	720	625	640	840

The above table proves Cincinnati to be nearer the Atlantic and the Gulf, at every point, than Chicago, and nearer than St. Louis and Louisville to every point, except Mobile and New Orleans. We have not put Pittsburg in this table because, as to the question of centrality, Pittsburg is entirely on one side of the west, in the *circumference*, and not the centre of the basin.

In reference to the centre of population, we exhibit the following (based on the census of 1850, that of 1860 not being at hand) in detail:

Table of population within a circuit of 100 *miles.*

Places.	Population.	Sq. miles.	Density.
Cincinnati	1,583,236	26,500	60
Pittsburg	1,154,920	26,500	45
Louisville	1,002,498	26,500	40
St. Louis	547,241	26,500	21
Chicago	386,539	20,000	19.3

We assume the distance of 100 miles for convenience. Any other limit would furnish nearly the same proportion. There is no given limit of territory or census which will not show the population around Cincinnati to be greater than that, under the same limitation, around any other considerable town in the west. The population around Chicago has greatly increased since 1850, but, at the *same limit*, it is not one-half that around Cincinnati. The question of centrality is therefore settled. Some small place may be found on the superficial extent from the Rocky mountains to the Alleghanies, more superficially central, but not in regard to the States, the products, the population, or commerce.

2. The *second condition* which is regarded as necessary to a national armory, and one, too, of the highest importance, is the *facilities of transportation*—the most facile and uninterrupted modes of getting to and from the armory. We are not aware that *any* place has as many modes and facilities of transportation to and from as Cincinnati. We shall make no comparisons with other cities of commercial transit, but simply state our own. *First*, as to the national lines of transit. Cincinnati is midway of the Ohio river, and therefore midway, as we have shown before, to the commerce of the whole valley. The Ohio is a navigable stream at all seasons, as the commercial records of Cincinnati will show. Below Cairo, and above, to the mouth of the Missouri, the Mississippi is always navigable. The Missouri, also, is navigable, and a large part of the year the Red river and Arkansas. It will be within bounds to say, that without repeating distances or counting more than one coast, that to a steamboat departing from Cincinnati, there is open five thousand miles of continuous navigation, and that through every part of the great central basin for which the armory is to be made. If it be said that the same is true of every place situated on these navigable waters, we reply that every place is not midway of the Ohio, and that to that point the argument of centrality applies. Pittsburg is on the circumference of the basin, St. Louis nearly so, and Chicago, on the extremity of Lake Michigan, inaccessible from the navigable waters of the valley.

Secondly. After the natural lines of transit we may place canals. No place has such access to canals as Cincinnati. A canal boat leaving Cincinnati may proceed north to Toledo, and then southwest through the entire valley of the Wabash, then be towed to Portsmouth, pass through the Ohio canal to Cleveland, and, if necessary, proceed to Buffalo without breaking freight. In one word, a heavy piece of ordnance, or any other kind of arms, may be transported by the water of canal or river to any commercial point or any military point in the west without breaking bulk. If cheapness be a consideration, this is a great advantage. About 1,400 miles of canal, in addition to all the rivers of the west, are within the limits of commerce at Cincinnati.

Thirdly. The whole railroad system, now more developed in the central west than in any part of the United States, is accessible at every point to Cincinnati. Where is there a point in the valley of the Ohio or in the northwest to which there is not immediate access by rail from Cincinnati? Ohio has more miles of railroad, in propor-

tion, by far, than any State west of New England. Indiana and Illinois have nearly as much. Then from Cincinnati there is railroad transportation, by *direct lines*, to Pittsburg, Buffalo, Cleveland, Sandusky, Toledo, Detroit, Chicago, Indianapolis, St. Louis, Cairo, Evansville, and Louisville. It is useless to enumerate roads and distances, for a glance at any map will show your committee that this statement is entirely correct. Indeed, if we take certain limits, we know not where to look on the map of the world for as many miles of railroad as lie immediately round Cincinnati. In addition to this, there is, south of the Ohio, a line of railroad one hundred miles in length, from Covington to the interior of Kentucky. This road connects with that to Frankfort and Louisville. To connect these roads with the southern system of railroads at Knoxville has been a leading object with Cincinnati for many years, and is now recommended by the President. In our opinion the existence of such an artery, which sooner or later must be made, connecting Cincinnati with the railroad system of the south, is a material consideration in selecting the site of the national armory.

3. The next consideration to which we referred is *ample materials* for the manufacture of arms. These materials are iron, coal, wood, lead, copper, and nitre. Perhaps no one place embraces all these materials at the spot which may be selected for an armory. Certainly they are not at either Springfield or Harper's Ferry. But we believe that, taking all things into view, they can be had as readily and cheaply at Cincinnati as at any one point. If they were not, it would have been impossible to have made Cincinnati the large manufacturing place it has become. We shall briefly refer to some general facts established by commercial statistics. The iron and coal which supply Cincinnati are brought by water from the mineral region above, extending through Ohio, Kentucky, and Western Virginia—a district of country inexhaustible in these materials, of the best quality, and by means of water transportation, furnished at the lowest price. Since iron and coal are really the basis of all metallic manufactures, we shall be pardoned for stating more in detail the advantages of Cincinnati as a manufacturing place, especially in articles involving these materials. Prior to the breaking out of the rebellion Cincinnati had proceeded in a career of uninterrupted manufacturing prosperity. The war, of course, broke off our connexions with the south, and depressed most branches of manufacture. The war, however, at whatever time and in whatever manner it ends, cannot cut off the sources of our manufacturing supplies south of the Ohio. These lie in Northern Kentucky, East Tennessee, and Western Virginia. Taken in connexion with Ohio, they comprise one of the widest and most important mineral districts on the continent of America.

From the summit of the Alleghany and Cumberland mountains, southward for hundreds of miles, the whole country is underlaid with coal, forming a part of the great central coal basin. In Ohio it extends nearly to the Scioto river. It comprehends Western Virginia, Eastern Kentucky, and East Tennessee. Within easy reach of Cincinnati by railway, there must be at least forty thousand square miles

of coal strata, three times the amount possessed by Great Britain. These coal beds crop out in thousands of places, so as to be convevient for the common fuel of the people, while in numerous places the coal lies in thick strata, intersected by various railways now completed or constructing. Over thousands of miles the beds of coal are inter-stratified with iron, in quantities sufficient to supply the demands of manufactures through countless ages. Already seventy furnaces in Southeastern Ohio and Eastern Kentucky are actively and profitably engaged in supplying iron, chiefly for Cincinnati. The demand for this article is so constant and so increasing that many new furnaces are now erecting on the lines of the new railways. On the other hand, the demand for coal at Cincinnati, to manufacture the raw iron into castings and machinery, is so great that in the last six or eight years the consumption of that article has increased fourfold, and our citizens are looking forward with great interest to the time when the railways, by moving coal at all seasons of the year, will make the supply of this important product certain and uniform.

Passing further into the southeast, we find the mountain country of East Tennessee, Southeastern Kentucky, and Southwestern Virginia filled with the most valuable mineral productions, some of which are the only ones necessary to perfect the machinery and manufactures of Cincinnati. In that region are not only coal and iron in inexhaustible quantities, but also copper and zinc, two metals, in modern manufacture, of inestimable value. From the copper mines of East Tennessee millions of pounds of copper have already been carried to Savannah, (Ga.,) and shipped thence to the manufacturers of the east. From these mines to Cincinnati is a much less distance, by railway, than to Savannah and Charleston, and less than half the distance from Cincinnati to the mines of Lake Superior, or from the latter to the nearest eastern manufacturers. Hence the manufacture of all wares involving copper will, at Cincinnati, in some period, have a double advantage over all others for the supply of the whole interior of the west and south. She will obtain the raw material cheaper, and she will transport the manufactured article to the consumer cheaper. The same is true of the entire iron manufacture, which, in the west can be carried on far cheaper than anywhere on the Atlantic. It is estimated that, when the railway is completed to Knoxville, iron can be obtained at Cincinnati from East Tennessee cheaper than from any other quarter. We now bring iron from Tennessee, and even from Georgia. The iron men of East Tennessee make iron at the prime cost of $10 per ton, carry it down the Tennessee and up the Ohio, and sell it in Cincinnati at a profit. It is estimated that iron may be brought from these furnaces, by railway, at $5 per ton, and sold in Cincinnati for $15, thus cheapening the raw material to the manufacturer below any price which can possibly rule in the Atlantic States, and affording Cincinnati, if she should avail herself of these advantages, a substantial monopoly of the iron manufacture for millions of people.

These views and estimates are, of course, not applicable to a country ravaged by war. But there must come a time when peace

will resume its dominion; and at any rate it is impossible to disunite the valley of the Ohio, whether it be on the waters of the Tennessee, the Sandy, the Kanawha, or the Muskingum, from all of which loyal voices still go up in the loudest utterance of patriotism for the union and stability of the country.

4. The next condition we have stated, is sufficient power to carry on extensive factories. No one acquainted with Cincinnati, or with the Miami country, will deny that there is the most ample power to drive machinery, either natural or artificial. If not, how have hundreds of large factories been put in operation at Cincinnati, Dayton and Hamilton? If water power be preferred, the dams on the Miami and Mad rivers have furnished ample supplies to the Miami canal and hydraulic canals of Dayton, Springfield and Hamilton. The water power of the Miami canal at Cincinnati is derived by a descent through locks of nearly one hundred feet, and already supplies several mills and factories. The whole power of the Miami river may be furnished by the dam at Middletown. This power has been carefully measured, and found more than adequate for a national armory or the lagest factories. The distance from Cincinnati is forty miles, on the Miami canal, with the easiest and cheapest transportation.

Your memorialists would, however, remark, that while the Miami country can furnish abundance of water power, that this kind of power has not been used exclusively in the national armories, and, in fact, there seems to be a growing conviction that steam is, in many cases, preferable. At this moment a large majority of mills and factories in Ohio are moved by steam, and in many cases where water power can be readily had. Your memorialists will only say, that from the great abundance and cheapness of coal, already referred to, steam power can be supplied at Cincinnati to any extent, at a very low cost. In the present season, and in several others, coal has been purchased by the boat load at six cents per bushel. This makes the avoirdupois ton but $1 68, a price far below what it is furnished at in the best supplied coal cities of the Atlantic, and far below what it can be had in any city on the lakes. Indeed, there are but few points on the Ohio river where it can be furnished as low. Large factories in Cincinnati have been moved by steam for many years, and we are yet to learn that they are placed at disadvantage from that cause. The experience of England is that steam is the cheapest moving power, and, in fact, the great moving cause of the growth and prosperity of English manufactures. We are convinced that no serious objections to Cincinnati can be shown, either from the want of material or the want of power.

5. The last condition is cheap food and machinery necessary to support and facilitate the labor of a large number of skilled operatives. In regard to cheap food and easy support, we need not enlarge. Taking all the means of living into view, it is probable that Cincinnati is the cheapest large town in the west. We may refer to the same test as to the production of grain, that we did in the case of population. Take one hundred miles, or other given distance, as the limit, and a much larger quantity of grain is raised around Cincinnati than

around any other point in the valley of the Mississippi. A simple reference to statistical tables will determine this fact at once. We repeat it here only for the purpose of showing that the subsistence of laborers is at least as cheap here as in any other western town.

An important fact in the erection of a national armory, especially if a great variety of arms are manufactured, is the ready access to the tools, instruments, and machinery which may be required. Perhaps there is no place where this can be had more advantageously than Cincinnati, where shops and factories exist for the manufacture of all kinds of machinery. It is certain there is no place in the west superior to it in this particular.

As an example of the machinery ready here to aid in any work necessary to the organization or progress of the armory, we may state that in making arms for the present emergency, by a large iron factory of this city, it was found that certain parts of the locks could be made here cheaper than they could be bought. The contractor already had machinery on hand suitable to that very purpose. The same would probably be true of almost any kind of machinery, whether large or minute, which would be needed. For several years the variety and number of manufacturing shops in this city have been increasing, till they comprise an immense number of almost every species of artisan work, so that it can scarcely happen that workmen or machinery can be wanting to aid in any department of an armory. In conclusion, your memorialists would merely remark that they have made no invidious comparisons with other places; but they have a fair right to say that Pittsburg, at the junction of the Alleghany and Monongahela, Chicago, on Lake Michigan, and St. Louis, on the west bank of the Mississippi, are all on the *circumference* or exterior line of that immense territory and population for whose defence and benefit we suppose the armory is to be erected. We remark further, that we suppose that such a question will be determined on the merits of the case, without resort to political prejudices or combinations. We have, therefore, presented an argument in favor of Cincinnati and its vicinity, based on unquestionable facts, and appealing for support only to its natural and commercial advantages. The conditions which military science and common sense require, are, we think, fulfilled; and we trust your honorable body will give them an attentive and thorough consideration.

EDWARD D. MANSFIELD.
WILLIAM HOOPER.
ROBERT BUCHANAN.
THOMAS SHERLOCK.
MILES GREENWOOD.
RICHARD SMITH.
JOSEPH C. BUTLER.

MEMORIAL TO CONGRESS BY THE CITIZENS OF ROCK ISLAND AND MOLINE, ILLINOIS, AND DAVENPORT, IOWA, IN FAVOR OF A NATIONAL ARMORY ON THE SITE OF FORT ARMSTRONG, ON THE ISLAND OF ROCK ISLAND, IN THE STATE OF ILLINOIS.

To the honorable the Senate and House of Representatives of the United States:

The undersigned, a committee appointed by and acting in behalf of the citizens of the city of Rock Island and the town of Moline, in the State of Illinois, and the city of Davenport, in the State of Iowa, respectfully represent:

That a new armory and arsenal for the manufacture, safe-keeping, and distribution of arms and munitions of war, are of pressing national necessity, demanded alike by the present wants and future requirements of the government; and that the preponderating growth of the northwest, as well as the absence of any such establishment within its limits, indicate that such an armory should be located upon the Upper Mississippi.

Believing that the island of Rock Island, in the State of Illinois, in the centrality and safety of its greographical position, the facilities it affords for transportation to and from other parts of the country, the cheapness and abundance of its motive power and the materials used in the manufacture of arms, in the supply and cheapness of labor and food, in the healthfulness, spaciousness, and general eligibility of its site, and the possession and ownership thereof by the government free of cost or expense, enjoys advantages equal, if not superior, to those possessed by any other place in the northwest for the location of such an establishment, your memorialists would respectfully ask your attention to a brief notice of these advantages.

LOCALITY AND HISTORY.

Rock Island is situated in the Mississippi river, at the foot of the "Upper Rapids," in latitude 41° 31′ north, and longitude 13° 40′ west of Washington. The extreme length of the island from east to west, which is the direction of the river at this point, is two and seven-eighths miles, and its average width half a mile. Its area embraces nine hundred acres of land, of which seven hundred and two acres are public lands belonging to the United States, and known as the "Fort Armstrong Reservation." In its topography it is singularly and beautifully marked. Its base is siluvian limestone, which at several points approaches the surface and affords superior rock for lime and building materials. The surface is gently undulating, and slopes gradually and more or less regularly to its northern and southern shores. The soil is of a rich sandy loam, and with the exception of a patch or two of a few acres in extent, where the stone reaches the surface, is susceptible of the most profitable cultivation, and is now covered with luxuriant vegetation and an open grove of thrifty forest trees. The highest stages of flood in the river never

overflow any portion of the lands. The shores, which range from fifteen to forty feet above low water mark, are pebbly and rocky, unusually bold and sometimes abrupt. At the western extremity especially, and around the old fort, a wall of precipitous ledges lines the shore and gives name to the island.

Fort Armstrong, which is located on the lower end of the island, was built and occupied in 1816 as a military and trading post. The whole island was reserved in 1825 for government purposes. In 1836 it was evacuated by the troops, and kept as a depot for arms and military stores. In 1839 it was made the object of a special survey, and the subject of a report to the War Department by Major Bell, of the ordnance department, as a feasible and desirable site for a western armory, and again in 1843 its advantages for that purpose were reported to Congress by a commissioner appointed by the President, under the provisions of an act of Congress of September 9, 1841. And again, since that date, it has been the subject of recommendation to the government for the same public use. It is now, as it has been since it ceased to be a depot for arms and army stores, in charge of the quartermaster's department, and under the special keeping of an agent appointed for the purpose.

A few years since some squatters entered upon portions of the island and claimed rights as pre-emptors of public lands, but being prosecuted and convicted in the United States court for trespass, the claims and possession were abandoned. The government lands are now unoccupied, save by a few persons who hold leases at will from the United States.

THE SITE OWNED BY THE GOVERNMENT.

Another important consideration in favor of Rock Island, particularly at this time when the federal treasury is necessarily subjected to so many and heavy drafts for other purposes, is that the government owns the site.

The requirements of the government in respect to the extent and character of the site are set forth in the instructions of the Secretary of War to the commission above referred to, as follows:

"For this purpose there should be sufficient space for suitably arranging the necessary workshops, storehouses, and magazines, and also for erecting dwellings for the principal officers of the armory. If circumstances permit, it will be advantageous for the United States to possess such a quantity of ground about the establishment as to prevent inconvenient intrusion from neighboring settlements."

These advantages are combined in an eminent degree by the site upon Rock Island. The quantity of land (702 acres) owned by the government is amply sufficient in extent as well as admirably adapted in its location for the suitable arrangement of all the shops, houses, magazines, and storerooms required, as also for the dwellings for the officers and employés of the establishment. Its insulated position, too, guards it against any undesired intrusion, while its proximity to the towns which surround it gives to it all the advantages they pos-

sess in markets, manufactures, commerce, and the general transaction of business.

It is doubted whether a site of like spaciousness, convenience, and general eligibility, (to say nothing of other advantages,) could be procured in any of the cities or larger towns of the west. If procurable at all, it would be at a price more than equal to the amount of the cost of erecting on Rock Island all the buildings and improvements necessary for armory purposes.

GEOGRAPHICAL POSITION.

The States and Territories of the northwest being regarded as the field of supply and distribution, Rock Island is more nearly central than any other point possessing any advantages for such an establishment.

Its distance from the six principal points within the limits of this field is as follows:

	Miles.
From Louisville	500
Detroit or Cleveland	400
Chicago	181
Milwaukie	285
Council Bluffs	330
St. Louis, (by river)	360
St. Paul, (by river)	475

The two States of Illinois and Iowa, which border immediately upon this locality, have alone an aggregate population of 2,400,000.

The States and Territories falling within easy reach of it as a radial point, together with their present population and military force, may be stated in round numbers as follows:

States.	Population.	Militia.
Illinois	1,700,000	180,000
Iowa	700,000	70,000
Indiana	1,400,000	170,000
Michigan	775,000	80,000
Wisconsin	800,000	80,000
Minnesota	175,000	20,000
Kentucky	950,000	100,000
Missouri	1,100,000	115,000
Kansas	125,000	12,000
Nebraska	45,000	5,000
Colorado	25,000	1,000
Dakota	4,000	1,000

Presenting a total of nine States and three Territories with a present population of nearly 8,000,000, and a militia force of 800,000, all of which are beyond the reach of convenient or adequate accommodation by any of the existing armories of the United States.

FACILITIES FOR TRANSPORTATION.

The natural and artificial facilities for transportation to and from this point are equalled by but few places in the west. By the Mississippi river and its navigable tributaries alone, it has control of over 12,000 miles of inland navigation, and shipments can be made direct and without break of bulk to and into fifteen States and three Territories, including all those above named. The arrivals and departures of steamers at this point, have, in spite of many adverse circumstances calculated to retard the river business, reached the high figure of twelve hundred per annum. If they should, as in the future they will, swell to twelve thousand, the navigation would not be over-burdened, nor the capacity of the river be inconveniently affected. The obstruction of the river at this point by ice in the winter season is several weeks less than above the rapids, and some two months less than in Lake Michigan at Chicago.

The artificial facilities for transportation are also extensive. The lower end of the island is crossed by the union railroad tracks of the Chicago and Rock Island, and Mississippi and Missouri railroads, and by means of bridges connecting it on the Illinois side with the tracks of the "Chicago and Rock Island railroad," the "Warsaw and Rockford railroad," the "Rock Island and Sterling railroad," and the "Rock Island and Peoria railroad," and making connexions on the Iowa side with the "Mississippi and Missouri railroad," and the "Davenport and Muscatine railroad," and their branches. It is thus brought into direct communication with the extensive net work of railroads which cover the States and Territories of the northwest, and which are yearly throwing out new branches, and extending into new fields their connexions and business.

MOTIVE POWER AND MANUFACTURING FACILITIES.

In its varied and extensive facilities for manufacturing, Rock Island possesses advantages greater than can be urged in favor of any other place in the northwest.

Its water power is unsurpassed ; the island, though at the terminus of, is nevertheless *in* the rapids, the fall from the head to the foot of the island is nearly seven feet, (6.96-100,) which, by a feasible improvement, and at an inconsiderable expense, may be readily increasd to thirteen and a half feet, thus controlling over one-third of the volume of the great river, and at the same time greatly improving its navigation.

It has been estimated by an intelligent engineer, and we doubt not correctly, that the hydraulic force properly belonging to the island capable of practical and economical appropriation, without detriment to the navigation of the river, is over twenty thousand horse power. This power has been improved and made available to a considerable extent, by the erection of a substantial stone dam reaching from the upper end of the island to the Illinois shore, where there are some

extensive mills and manufacturing establishments whose hydraulic power is obtained from this source. The workings of this power we know to be constant, regular, and reliable, and exempt from interruptions from ice, drought, or high water.

Steam power may also be made available at this point with greater convenience and at as little expense as at any other place in the west.

COAL, LUMBER, IRON, COPPER, LEAD, LIMESTONE, SAND, FIRE CLAY, BRICK CLAY, AND BUILDING STONE.

Coal.—The supply of coal of the best quality is inexhaustible. The great coal fields of Illinois and Iowa extend within a few miles of the island, and from which two species of coal are obtained, the cannel and bituminous, the former of an inferior and the latter of a very superior quality for manufacturing as well as other purposes. The deposits are in the river bluffs of the vicinity, in veins varying from three and a half feet to seven feet in thickness, and are more accessible as well as of greater extent than in any other portions of the States named. The present draft upon the mines already opened for supplying the wants of the immediate neighborhood, is about 100,000 tons per annum, of which 85,000 tons are delivered at and through this point upon the river. Railroad tracks connect the island with all the principal mines.

Lumber and wood, used for building materials, are to be had in abundance on the island and in its immediate vicinity. The woodlands of this section occupy about one-fifth of the entire surface, the growth consisting of white, red, and burr oak, black and white walnut, yellow poplar, wild cherry, sugar tree, maple, linden, red and white hickory, yellow birch, dog-wood, &c. Hard-wood lumber of the various kinds used in building, or which would be requisite in the construction of arms, is obtained at prices about the same as are paid for pine lumber. The Upper Mississippi floats by rafts of all the varieties of timber indigenous to that vast region. From 80,000,000 to 100,000,000 feet of pine timber and lumber are annually brought here and pass this point on the river for market.

Iron of superior quality is found in inexhaustible quantities in convenient proximity to Rock Island, and attainable at reasonable rates. The Iron Mountain and Pilot Knob region in Missouri, on the one hand, and the mines of Lake Superior on the other, abound in the choicest of iron ores, which are shown by the severest tests to be superior to any other on the continent, and fully equal in tenacity and malleability to the best Russian and Swedish iron. From both these regions the facilities for transportation, by both river and rail, are, as already stated, cheap, certain, and convenient.

Copper abounds in the mines of Missouri, Wisconsin, Minnesota, and Michigan. The same region that supplies the best known iron, is also celebrated for the quality and quantity of its copper.

Lead is found in abundance in Illinois, Iowa, and Wisconsin, at less than one hundred miles distance from Rock Island.

Limestone, producing lime of the whitest and purest kind, is found

in the immediate neighborhood, and can be procured with as little expense as at any point in the country.

Building stone, sand, fire clay, and brick clay are found in inexhaustible quantities, and in qualities rarely surpassed, on the island. The importance of having these indispensable articles so convenient, in the erection of an armory, can only be appreciated by those who know their value.

PRICE AND SUPPLY OF LABOR.

The present supply of labor in the mechanical and industrial arts in the towns of Davenport, Rock Island, Moline, and Gilberttown, is larger, and the skill of their artisans equal to that found in any of the cities of the west. In the four places named, either of which is not over one-half mile from the island, and all within a radius of three miles, containing an aggregate population of 30,000, there are more manufactories than at any other point in the northwest outside of the large cities. For the supply of timber and lumber there are saw mills and planing mills, most of them of immense capacity, that turn out annually millions of feet of sawed and planed lumber. For the supply of breadstuffs there is nearly a score of flouring mills in full operation. There is an average for each of the towns of two or three iron and brass founderies and engine shops, which supply machinery of every conceivable kind. Beside these, there are three plough factories, whose capacity is as great as any similar establishments west of the Alleghanies. We have boat yards and docks for building and repairing steamboats and other vessels. There is also a proportionate number of saw, file, wire, nut, and a general variety of cutlery factories; wagon, carriage, and all other factories for working in wood; tanneries, harness, and all other kinds of workers in leather; manufactories for agricultural instruments of every description; in short, we have skilled artisans and places for making every conceivable article usually manufactured in the larger cities. The prices of labor will favorably compare with those of other places.

COST OF LIVING.

Living is unquestionably cheaper than at many of the points of importance in the western country. Our railroad facilities and other communication with the farming community secure to us a larger supply of the necessaries of life, as well as many of the luxuries, than we can consume. Thousands of dollars' worth of provisions are annually shipped by river and rail to the larger cities. Our market is constantly stocked with everything desirable in the way of subsistence. Fuel, an item of great importance to a western community, is cheaper than at any point in the western country without exception. The inexhaustible supply of coal in Rock Island county, with the fine quality and large quantity of wood, readily accounts for this.

HEALTH.

A favorable location for health is also an important consideration where a large number of persons are to be employed on the public works. Rock Island is believed to be as healthy as any point in the west. Resting upon a bed of limestone and elevated high above the clear waters of the Mississippi, exposed to no marshes, stagnant pools or sluggish streams, and surrounded by highly cultivated prairies and open woodlands, it possesses all the requisites to health and enjoyment.

The exceeding healthfulness of this point is clearly shown by the mortuary statistics of the cities and towns in its immediate vicinity, as also by like statistics of the island itself, in the possession of the government.

On this point the board of officers appointed to select a site for a western armory, in their report to Congress in 1843, say:

"The site is remarkably healthy as evinced by the reports now on file in the office of the United States surgeon general in relation to the health of the troops at the various military posts of the United States, and covering a period of more than twenty years, during which the number upon the sick list at Fort Armstrong was proportionably less than any other post in the western country."

Indeed, so widely known and appreciated are the purity and salubrity of the atmospheric and climatic elements of this vicinity, that it has become a favorite resort and retreat from the epidemics and periodic sickness to which the residents of crowded cities of the west are subject during the summer and fall months.

SECURITY OF LOCATION.

By reference to the accompanying map it will be observed that the island of Rock Island is most eligibly located as to security from insurrection or foreign attack. Surrounded by a population which is noted for its intelligence, energy and loyalty, mobs which so frequently arise in our larger cities, endangering the lives and property of citizens would never be originated here. In times of great excitement, when the wild passions of men cannot easily be restrained, an armory or arsenal containing large deposits of instruments of warfare, is usually the first object to which the mob directs its attention. And as to foreign attack, no fear need ever be apprehended The distance from Chicago, THE NEAREST POINT A FOREIGN FOE CAN POSSIBLY REACH, is 181 miles. In the present complicated condition of our domestic and foreign relations, the security of location is a subject which will doubtless receive, as it deserves to, the most careful attention of Congress in locating the armory. Your memorialists respectfully submit that no one consideration surmounts this in magnitude.

CONCLUSION.

In connexion with the advantages which we think belong to Rock Island as a site for an armory, because of its safety during foreign wars and internal rebellion, its position as a central point for the

west and rapidly increasing population of the northwest should receive attention. By reference to the map, it will be seen that Rock Island is in the very heart of the northwest, both as to its geographical position and population. Taking it (Rock Island) as a centre and sweeping a circle around it, with a radius of three hundred and thirty miles, and we take in the whole of Indiana with a population of 1,400,000; Illinois, 1,700,000; Missouri, 1,100,000; Wisconsin, 800,000; Iowa, 680,000; Minnesota, 170,000; the western half of Michigan, 300,000, and nearly the entire settled portions of Kansas and Nebraska, 160,000. Thus it will be perceived that it is the geographical centre for eight States and one territory, already containing over six millions of people, and rapidly increasing. On the direct route from New York to California and Oregon, *via* Council Bluffs, Omaha City, and Fort Kearney, which has been selected as the shortest and best one practicable by the thousands who during the last twelve years have sought homes upon the Pacific coast, the route over which the great overland daily mail for California now travels, and by which the telegraphic wires are laid which brings the Atlantic and Pacific together; the only point on the Upper Mississippi where by reason of the railroad bridge the interruption of transit either by the formation in the fall, or the breaking up of the ice in the spring, is avoided.

These facts taken in connexion with its facilities for transportation and manufacturing, the cheapness, abundance, and accessibility of motive power and the materials essential in the construction of the works and the manufacture of arms, the price, supply, and skill of labor, the cheapness of living, the healthfulness, spaciousness, and general eligibility of the site, its being owned by the government and reserved for public use, presents a combination of favorable circumstances which places it beyond competition. And although we are aware that some of the larger and wealthier cities of the west are urging claims to the location of the armory with an amount of local influence which Rock Island does not possess, we submit our claims, confidently relying for an appreciation of the great advantages of this point upon the wisdom and justice of the Congress of the nation, whose desire it will be to promote the public interests by the selection of the most suitable location.

I. O. WILKINSON,
N. B. BUFORD,
H. C. CONNELLY,
J. W. DRURY,
B. DAVENPORT, Rock Island.
W. H. F. GURLEY,
G. L. DAVENPORT,
G. M. FRENCH, Davenport.
C. ATKINSON,
P. R. REED, Moline.

Committee.

APPENDIX.

IOWA LEGISLATURE.

After the destruction of the Harper's Ferry armory it was generally understood that the government would promptly establish another in the great northwest. At the special session of the Iowa legislature, held last summer, the State clearly indicated its preference as to locality in the following resolutions, which were passed unanimously by both houses:

"Joint resolution instructing our senators and requesting our representatives to procure an arsenal and armory at Rock Island.

"*Be it resolved by the senate and house of representatives of the State of Iowa*, That the senators in Congress from this State be instructed, and the representatives requested, to use their utmost exertions to procure the establishment, at the earliest possible time, by the government of the United States, of an arsenal and armory for the distribution of arms to the northwestern States, on the island of Rock Island, in the State of Illinois.

"*Resolved*, That the secretary of state be directed to forward to each of the senators and representatives in Congress a copy of these resolutions.

"Approved, May 24, 1861."

Illinois official authorities.

No session of the legislature of Illinios has been held since public attention has been called to this subject, but the announcement of the purpose of the government in this respect called forth a letter from Governor Yates and the other State officers, civil and military, addressed to the Secretary of War, urging the location of the armory upon Rock Island.

Certificate from the government agent.

I, T. J. Pickett, government agent for the island of Rock Island, hereby certify that the lands owned by government on said island are free from the claims of squatters, and that the only occupants thereon are eight in number, who hold leases under and acknowledge themselves tenants of said government, in which lease it is specifically agreed that the lessors are to vacate the premises in thirty days from the date of receiving notice requesting them to leave.

T. J. PICKETT,
Government Agent.

ROCK ISLAND, *Illinois*, *October* 25, 1861.

PETITION OF JOHN PEETZ AND NINETY-SEVEN OTHERS, PRAYING FOR THE ESTABLISHMENT OF A NATIONAL ARMORY AT ROCK ISLAND, ILLINOIS.

To the honorable the members of the Senate and House of Representatives of the United States:

The undersigned, residents of the town of Rock Island, State of Illinois, respectfully represent: That the government of the United States owns the island of Rock Island, in the State of Illinois; that its location for healthfulness is unsurpassed; its facilities for transportation to every point in the country unequalled; its being free from a foreign as well as domestic foe renders it secure; and its close proximity to immense beds of coal, iron, timber, and building stone, and the great magnitude of its water power are unquestioned. We therefore respectfully ask your honorable bodies to pass a law locating a national armory on said island.

PETITION OF CITIZENS OF PEORIA, ILLINOIS, FOR THE ESTABLISHMENT OF A NATIONAL ARMORY AT THAT CITY.

To the honorable the Senate and House of Representatives of the United States:

The undersigned citizens of Peoria, Illinois, would respectfully represent: That in view of the contemplation on the part of Congress to establish a national armory west of the Alleghanies, to supply the place of the one vacated at Harper's Ferry, and supposing a scientific commission will be appointed to locate said armory in such western city or town as affords the best facilities for manufacture and storage of arms, in all particulars relating to cheapness of manufacture, safety from riots and invasion, facility of transportation, beauty of location, its contiguity to all other sections of the great west, &c., a meeting of the business gentlemen of this city was convened and the undersigned were appointed a committee to present the peculiar claims of this city over any other for the consideration of Congress. The committee, in doing so, have procured the publication of the map hereto attached, showing, according to a correct scale, that portion of the northwest embracing all the loyal States west of Columbus, Ohio, (which is on the dividing line between eastern Massachusetts and Kansas,) and the cities of Kansas and Nebraska on the west, the southern boundary of Kentucky and Missouri on the south, and St. Paul on the north, embracing a section of country about nine hundred and twenty miles square, and containing a population of over 12,000,000 souls. It is, without controversy, the richest agricultural region of equal extent to be found in any country, possessing greater resources within itself than any other section of country of equal extent to be found on the American continent. The city of Peoria, in Illinois, is located precisely in the geographical centre of this vast section. It is situated on the west

bank of Peoria lake, a beautiful body of water about twenty miles in length and one to two miles wide, being an expansion of the Illinois river. Its elevation from the river is by a fine levee, about two miles in length, rising gradually about twenty-five feet to Water street; then a gradual rise for three blocks to Jefferson street; then a level plateau extending up and down the river about four miles; then from Jefferson street back to the bluff, about one-half mile; then an abrupt bluff, rising about one-hundred feet, extending about four miles up and down the river and touching it at both points, forming a crescent. The country, after ascending the bluff, is mostly a level prairie. From this bluff a magnificent view is obtained of the country and river for many miles, and on it are situated some of the finest residences in Peoria.

The site of Peoria was one of the earliest trodden by the whites west of the mountains, it being explored in 1673. Six years later was erected the Fort of *Creve Cœure*. This was for a long time the halting place for the French between the Canadas and the Mexican gulf. In 1779 a colony of French settled here and named it La Ville d'Mailleit. In 1813 an expedition was planned against the Indians of the Territory, the result of which was the expulsion of them from the Peoria country and the erection of Fort Clark, by which name the village was afterwards known. In 1819 a colony of Americans located here, and in 1826 the present city was laid off and received the name it now bears. In 1832 a panic was created by the ravages of Black Hawk in northern Illinois, and the settlers in the north fled in dismay, but the inhabitants of Peoria formed themselves into a company called the Peoria Guards, and resolved to defend the place, which they did, and a treaty was made in September of the same year.

The value of manufactured articles per year, including agricultural implements, flour, &c., as shown by carefully-prepared statistics, exceeds $5,000,000.

Boat-building is an important branch of manufacture. The first steamboat that arrived at Peoria was in 1830; the first built in Peoria was in 1848.

The American pottery manufactory, established by gentlemen from Vermont, was located in this city, (after examining various sites throughout the west,) as the one affording the best facilities for manufacturing. The works are in operation, manufacturing porcelain and stone china of the finest quality. The completion of the buildings alone will involve an expenditure of $300,000.

The number of brick manufactured at the several yards in and near the city is not less than 14,000,000.

Besides the immense amount of grain consumed in the manufactories, the annual export, as per last report, was 3,326,236 bushels.

The amount of bituminous coal consumed by the various manufacturing establishments in the city, per year, will exceed 3,000,000 bushels, or 120,000 tons.

There are a great number of other manufactories, too numerous to

give the details, but which are not the less important to the social welfare of the city.

The Peoria county fair grounds, of 22½ acres, are tastefully laid out and conveniently arranged for the accommodation of exhibitors and spectators. The avenues to the same are numerous and disposed in the most approved style.

The pork-packing business is very important and has steadily increased from year to year. The number of hogs packed per year is about 80,000.

The lumber business is also an important branch of trade. The amount sold is not less than $28,000,000 feet in round numbers, the precise amount, as per last report, being 27,463,539 feet.

In population Peoria is the second city in Illinois, and fourth in size west of the lakes. There are six public school-houses, all large and fine structures; some, indeed, elegant. The schools of Peoria, which are all free, are not excelled by any city. There are twenty-three churches, representing twelve different denominations, most of them commodious houses of worship, many fine and costly structures. There is a public library, containing some 5,000 carefully-selected volumes. In times of peace Peoria supported five military companies, and since the rebellion has furnished more men for the war than any other city of its size within our knowledge.

We can say with truth that Peoria has suffered as little, if not less than any other city in the Union from the financial revulsions of our country. There is no place where less property is owned by foreign capitalists, and no place where the property-holders are so free from embarrassment from foreign creditors. Having never been the recipients of special government favors, or of private capitalists from abroad, as has Chicago and many other western cities, Peoria has depended upon her own resources; consequently her growth has been slow but continued and permanent.

Since the opening of the various railroads leading out of the city the importance of the Illinois river, as a channel of communication, has somewhat diminished. Still the river and canal business is very heavy. There are regular lines of steamers and canal boats plying between this port and Pittsburg, St. Louis, Pekin, and Chicago. The railroads, as shown by the map, afford easy communication with all parts of the country. In this particular it surpasses any other city in the west.

Peoria is immediately surrounded by immense and inexhaustible mines of bituminous coal of the very best quality, which can be furnished to such an establishment as the national armory, or any other requiring a large amount, for from $1 25 to $1 50 per ton, delivered at the manufactory. There are favorable localities in this city for such an establishment as the national armory, underlaid with coal, and the works could be supplied for the bare expense of sinking a shaft upon their own grounds. In this particular Peoria offers facilities for manufacture that cannot be furnished by any other city east or west. For the erection of buildings Peoria can furnish as readily and as cheaply any required amount of building materials as can any

other city. For healthfulness of climate, for beauty of location, diversity of scenery, and fruitfulness of soil, it is not surpassed by any city within our knowledge.

And one other very important requisite, as we conceive, in the selection of a locality for the national armory, is a *dry atmosphere.* In this particular Peoria is exceedingly favored, which is the result of the following: First, the city is considerably elevated above the river, and its gradual slope affords sufficient drainage as to prevent the accumulation of the least surface water. Second, the soil being a sand *loam*, bedded on a deep gravelly sub-soil, readily absorbs light rains, thus preventing those heavy fogs that occur almost every morning through the year in localities of clay soil and different altitudes.

The following also are among the peculiar advantages Peoria offers over many other places for the establishment of the national armory:

It is an inland city, free from danger of invasions from a foreign enemy by way of the lakes, and cut off by free territory from domestic foes. Situated, as it is, on the best navigable stream in the section embraced within the map, heavy freights can be obtained at cheap rates, and the best quality of iron can be furnished as cheaply as at any other point in free territory.

We feel confident that should a commission be appointed by Congress to examine sites from which to select a location for the establishment of a national armory, they will find, upon careful examination, that Peoria presents claims greatly superior to any other city.

All of which is very respectfully submitted.

PETITION FOR LOCATION OF NATIONAL ARMORY AT LOGANSPORT, INDIANA.

To the honorable committee of Congress in charge of the location of the new national armory west of the Alleghanies:

The undersigned, a committee appointed by the citizens of Logansport, Indiana, for that purpose, beg leave to call your attention to the advantages possessed by this city for the location of a national armory.

Geographically, Logansport is situated at the confluence of the Wabash and Eel rivers, both of which streams flow over a solid ledge of lime rock, and furnish water power to the amount of about 2,000-horse power. A new dam has recently been constructed in the Wabash river, and a race completed which furnishes about 500-horse power during the dryest season of the year, with a fall of sixteen feet, none of which is yet in use, but is now for lease or sale with any quantity of land adjacent which might be required for armory or other purposes connected with the water power.

There are two dams in Eel river which furnish about 800-horse power, applied to flouring, saw, veneer, paper mills, &c.

These dams are permanent structures, firmly bolted to the ledge in

the bed of the rivers. All the improvements are of the most substantial character.

There is also undeveloped water power in Eel river which would yield from 800 to 1,000 horse power, with a fall of twenty-five feet.

All of the above-mentioned water power is or could be applied within or in the immediate vicinity of the city, and never freezes up in winter.

The Wabash and Erie canal passes through the city, giving cheap communication by canal with the Ohio river at Evansville, and *via* the Miami canal at Cincinnati, and also with Lake Erie at Toledo.

The Toledo and Wabash railway runs from St. Louis through our city to Lake Erie at Toledo, making the following direct connexions: At Fort Wayne, with the Pittsburg, Fort Wayne, and Chicago railroad; at Peru, with the Peru and Indianapolis railroad; at Lafayette, with the Lafayette and Indianapolis, and the Louisville, New Albany and Chicago railroads; at Tolono, with the Illinois Central railroad; at Springfield, with the St. Louis, Alton, and Chicago railroad; at Palmyra, with the Hannibal and St. Joseph railroad; at Toledo, with the Lake Shore road, and the lines of southern and central Michigan and the Canadas. The Chicago and Cincinnati Air Line railroad also passes through our city, connecting at Chicago with the entire railway system radiating in all directions from Chicago; and south from Logansport with the city of Indianapolis, and the Ohio river at Cincinnati, Madison and Jeffersonville, opposite Louisville, Kentucky, and the whole railway systems of Indiana, Ohio, and the eastern States. The Toledo, Logansport and Burlington railway connects the above-named roads at Logansport with Peoria, Illinois, and Burlington, Iowa, crossing the whole of the great Trunk Lines of Illinois, and reaching by a direct east and west line into Iowa. Thus we have direct railroad communication by first class Trunk Line with the entire railway system of the whole country, for the purpose of bringing materials to an armory, and for the rapid distribution of arms in all directions.

Our section of country is underlaid by lime rock, unsurpassed for masonry and the manufacture of quick-lime—large quantities of which are being exported by canal to other portions of this State, and by rail into Illinois, and wherever used is pronounced by practical masons to be superior to any other made in the northwest. The cost of burning lime is about five or six cents per bushel. A superior quality of limestone and freestone for building purposes can be delivered from fine quarries in this immediate vicinity at about one dollar per cubic yard. Our court-house and many other buildings are built of these materials.

Iron ore exists in the immediate vicinity which yields from fifty-five to sixty per cent. of pure metal. It has been worked for several years, the quality of the metal being indicated by the fact that the blooms have sold readily at a price one-third higher than the ordinary bar iron. Bituminous coals are brought here from Pittsburg and Cincinnati by canal, and from Illinois by rail, at a cost of about twelve cents per bushel.

This is a very heavily-timbered section of country, the varieties being black walnut, all the oaks, cherry, poplar, ash, maple, beech, &c. The value is from $8 to $10 per M. Brick are made here at a cost of from $2 50 to $3 per M. Provisions of all kinds are abundant and cheap—in fact, being the principal staple of export from our city.

All the materials for the construction of the armory buildings and the manufacture of arms, are as accessible at this point as at any place west of the Alleghanies, while at the same time we are of the opinion that in point of healthfulness of location, economy in domestic expenses as affecting the cost of labor, our city will rank second to none.

We also would suggest the fact that our city is almost the centre of the great northwest, where we believe it to be the intention of the government to locate the new armory. The location of such an establishment at Logansport is not a new proposition. The late General Tipton, while a member of the United States Senate, called the attention of the government to this point, and it was at that time considered a proper location, as can be seen by papers in connexion with the subject now on file in the War Department.

We would, therefore, in behalf of our fellow-citizens, invite you to visit us and investigate the subject, and take into consideration the claims of our city before deciding upon a location.

L. CHAMBERLIN,
J. A. TAYLOR,
T. H. WILSON,
S. C. TABER,
L. S. NASH,
Committee.

LOGANSPORT, *Indiana, July* 17, 1861.

RESOLUTIONS OF THE LEGISLATURE OF THE STATE OF IOWA, ASKING FOR THE LOCATION OF AN ARMORY AND ARSENAL ON ROCK ISLAND, IN THE STATE OF ILLINOIS.

Joint resolution instructing our senators and requesting our representatives to procure an arsenal and armory at Rock Island.

Be it resolved by the senate and house of representatives of the State of Iowa, That the senators in Congress from this State be instructed, and the representatives requested, to use their utmost exertions to procure the establishment, at the earliest possible time, by the government of the United States, of an arsenal and armory for the distribution of arms to the northwestern States, on the island of Rock Island, in the State of Illinois.

Resolved, That the secretary of state be directed to forward to

each of the senators and representatives in Congress a copy of these resolutions.

JOHN EDWARDS,
Speaker of the House of Representatives.
JAMES F. WILSON,
President pro tem. of the Senate.

Approved May 24, 1861.

SAMUEL J. KIRKWOOD.

STATE OF IOWA, *ss:*

I, Elijah Sells, secretary of state, hereby certify that the foregoing is a true copy from the original enrolled resolution on file in my office.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Iowa. Done at Des Moines this 24th May, 1861. [SEAL.]

ELIJAH SELLS.

MEMORIAL OF CITIZENS OF INDIANA.

To the honorable the Senate and House of Representatives of the Congress of the United States:

Your memorialists, citizens of Indiana, would respectfully represent unto your honorable body, that the city of Evansville, from its location on the Ohio river—about half-way between the falls of the Ohio and the mouth of that river, and the only large town between Louisville and Cairo along the banks of said stream—is, as will be seen by an inspection of the map of the State, admirably situated for the location of a United States arsenal, for the purpose of supplying with arms and other munitions of war the Union men, not only in Indiana, but in our neighboring State of Kentucky, where a decided majority of the friends of the Union, in the counties bordering on the Ohio, we believe, are living, and who are desirous of obtaining arms for the defence of themselves, and to maintain the Constitution and execute the laws of the State; that by means of the water-course above mentioned, they, as well as the citizens of our own State along the borders of the same, can be more cheaply and easily supplied with arms and munitions of war from this place than from any other. Situated only seven miles below the mouth of Green river, running into the most thickly-settled part of southern Kentucky, with slack-water navigation at all seasons of the year to Bowling Green, one hundred miles up said river, with steamboats constantly navigating said stream from the city of Evansville, it would be cheaper and easier to supply the Union men in that quarter with materials of war or defence than from any other point between Louisville and Cairo.

Your petitioners would further state, that supplies of coal and iron are most abundant—the former obtained in large quantities almost within the limits of the city, and of excellent quality; that in the

immediate vicinity of Evansville are to be found large quantities of white oak timber, equal, if not superior, to any timber of the kind from Pittsburg to the mouth of the Ohio, the supply of which is inexhaustible; that the city, in point of health, will vie with any other on the western waters, and the means of living cheap and abundant, while any number of operatives who have heretofore been engaged in the large founderies here, now out of employment, would be very willing to be employed by the government at prices not more than remunerative for their labor.

In view of these facts, which are undeniable, we would respectfully memorialize Congress to establish an arsenal at Evansville for the supply of arms to the border counties of Kentucky, as well as to the whole of southern Indiana and southern Illinois.

OPPOSITE KEOKUK.

CARTHAGE, ILLINOIS, *January* 12, 1862.

We understand that a resolution has passed Congress authorizing an armory to be built in the west, perhaps in Illinois. We are aware that many points have been presented for its location, and among the rest that of Quincy. Nevertheless we feel that we have a right to address you, as our immediate representative, on a subject of so much importance, and ask you to make the following presentment, if not incompatible with any previous engagement.

We wish to present, as the best location for an armory in the west, the lower rapids on the Mississippi river, nearly opposite Keokuk, Iowa. Many reasons might be set forth in proof of the above declaration, but, as we wish to avoid taxing you with reading a long letter, let a few answer for the present:

1. It is the head of navigation for the larger boats.

2. The river at this point is seldom obstructed by ice, even in mid-winter, and never long at a time.

3. The immense water privileges of the river, affording water power sufficient for any purpose whatever.

4. The extensive coal-fields which begin within thirty miles, on the Des Moines river, and traverse the Des Moines valley for at least one hundred and fifty miles. Several of these mines are now doing a large business.

5. As soon as the iron is put down on the link of twenty-nine miles of railroad from Clayton to Carthage, which will be done in the spring, the armory will be located on one of the greatest railroad thoroughfares in the Union, and communicating with all the important railroads on the route between here and New York. On the opposite side of the river the Keokuk and Fort Des Moines railroad is open for about one hundred miles in the direction of the new capital of Iowa.

6. The government has already expended one hundred and forty or fifty thousand dollars on these rapids, and building stone is abun-

dant in the immediate vicinity; in fact, quantities of dimension stone have been taken from the rapids to Galena and Dubuque.

Now, colonel, what we want to know is this: Will you have the kindness to answer us at your earliest convenience, and let us know your views on it, and whether we had better send a delegation to Washington to represent the location in a much stronger light, or how it is best to proceed?

Respectfully, your obedient servants.

[Signatures.]

Hon. W. A. RICHARDSON.

RESOLUTION OF THE STATE OF MICHIGAN RELATIVE TO AN ARMORY IN THE NORTHWEST.

Resolved by the senate and house of representatives of the State of Michigan, That there being now left in the country but one government manufactory of arms, and that almost upon the seaboard, it is expedient and important that another should be established at some point in the northwest easily accessible from all parts of this great section of the country, and that the senators of this State in Congress be, and they are hereby, instructed, and its representatives are requested, to exert all their proper influence to secure the establishment of an armory by the general government at some point in the northwestern States.

Resolved, That for accessibility from all sections, both by land and water, and also in other respects, Chicago presents advantages over any other locality in the northwest, and which clearly designate that city, or its immediate vicinity, as the most eligible place for the location of such a manufactory by the government.

Resolved, That the governor be, and he is hereby, requested to transmit copies of the foregoing resolutions to each of the senators and representatives of this State in Congress.

HENRY T. BACKUS,
President of the Senate.
DEXTER MUSSEY,
Speaker of the House of Representatives.

Approved January 18, 1862.

AUSTIN BLAIR.

MEMORIAL OF CITIZENS OF JOHNSTOWN, PENNSYLVANIA.

To the honorable the Senate and House of Representatives of the United States:

The undersigned, citizens of Johnstown, Pennsylvania, in view of the contemplated action of Congress in the erection of a national

armory, in lieu of the one vacated at Harper's Ferry, and presuming that a scientific commission will be appointed to locate said armory in such place as, in the judgment of said commission, is best adapted thereto, were, at a meeting of business men convened for that purpose, appointed a committee to present to the consideration of Congress the peculiar advantages of Johnstown over any other place as a site for such works. The committee, in passing to the more immediate labor assigned them, assume, in the first place, that which must be obvious to all in the least degree informed on the subject, to wit: That, in the *location* of a great national armory, some point in western Pennsylvania, outside the cities, should be selected. The truth of this proposition is too clear for argument, and the committee at once proceed to a brief description of the place.

JOHNSTOWN is situated at the base of the western slope of the Alleghany mountains, in Cambria county, and contains a population of about ten thousand souls. Here, too, is the junction of the Conemaugh and Stony Creek rivers, along whose banks is to be found in great abundance the best moulding sand in the State. The soil of the surrounding neighborhood is rich and productive, and under the vigorous hand of its intelligent yeomanry is made to yield the full annual reward of the husbandman's labor, thus affording to the consumer a cheap abundance of all the necessaries as well as the luxuries of life. Indeed there are few places anywhere affording a better market than Johnstown.

THE CLIMATE is genial and healthful, as the mountain breezes and streams are fresh and pure. On the top of the mountains, and by rail but a short distance from the town, is situated the now celebrated Alleghany Mountain Health Institute, a summer resort for invalids and others, of national reputation, to which, annually, hundreds flock in pursuit of health and enjoyment, and never fail but to return with their fondest hopes and anticipations more than realized. The luxuriant growth and endless variety of timber found in the neighboring forests of Cambria have long since challenged the attention of capitalists, until now the exportation of lumber, in almost every form, has become an item of the first importance both at home and abroad, whilst more grand and picturesque natural scenery is nowhere to be met with.

THE PEOPLE are intelligent, industrious, moral, and patriotic; and as some evidence of this fact, it may be cited that during the Mexican war the county sent out two full companies, and that now, out of a population less than 30,000, she has given in defence of that same flag, to the country, two chaplains, two surgeons, ten captains twenty-two lieutenants, three colonels, one lieutenant colonel, two majors, one brigade quartermaster, and 1,400 privates. In Missouri, Kentucky, Maryland, Virginia, and South Carolina, may Cambria's sons to-day be found standing up among the bravest of the brave defenders of the nation's starry banner. Here, then, amid mountain fastnesses and such brave men, would a national armory stand forever, alike secure against invasion from without or insurrection from within. But to this may be added the fact that

TRANSPORTATION is nowhere more abundant, speedy, and cheap. The Pennsylvania railroad, which for speed, efficiency, and general thoroughness of management, has admittedly no equal in the whole country, passes directly through, whilst the Pennsylvania canal runs to, the town. Thus is afforded the most speedy, ample, and cheap means of transportation that can anywhere be found. All this, however, may be common to other places, and it is not, until considered in connexion with the fact of the vast

MINERAL DEPOSITS found here, which for quantity, quality, and variety, are unsurpassed anywhere, that the superiority of Johnstown, as a site for such works, rises up and assumes a distinctive form. Here, in the same hill-side, whose base is bound by the railroad and canal, running in parallel strata, are iron ore, coal, limestone, hydraulic cement, and fire clay of the best qualities, and in quantities inexhaustible. Here coal can be mined and delivered at from 62 to 75 cents per ton, and iron ore mined and delivered at from $1 to $1 30 per ton, whilst pig metal can be manufactured and sold at correspondingly low prices. Thus, in all the essential elements of cheap production, to wit: raw material, labor, and transportation, it is respectfully submitted that the republic might in vain be seached for an equal site. As evidence of this, the fact that here is located the Cambria Iron Works might be claimed as conclusive proof. This mammoth establishment, the largest and completest in America, giving employment to over 2,000 men, inaugurated in 1853, and continuously operated ever since, notwithstanding the monetary panics and national convulsions so disastrous to kindred establishments, through which the country has passed and is passing, owes its almost miraculous success principally to the fact of its *location*.

Its process of manufacturing commences with the blast furnaces, where the ore is reduced to pig metal. Four large smelting furnaces are situated at Johnstown, each 48 feet high, 13 feet bosh, and requiring 4 steam-engines (of 200-horse-power each) to produce the requisite blast, and one engine of 60-horse power to supply the water for the boiler and furnaces. When all are in blast these furnaces produce on an average 700 tons of pig metal per week. To feed them requires a corresponding amount of ore and coke to the iron produced. The mountains of ore to be seen accumulating in one point and melting away in another explains the mode of feeding these furnaces. The ore is mined upon a level, about seventy feet above the coke yard, (which is on a level with the funnel-head of the furnaces,) and dumped from the cars in which it is taken from the mines in large piles or clamps, containing from twenty to forty thousand tons each. Coal being distributed amongst it as it accumulates, it is roasted or calcined in these clamps, from which it is taken, when properly prepared, directly to the furnaces. Four or five of these clamps are kept constantly going; while one is forming one or two will be burning, another cooling, and another being used in the furnaces. About 3,000 tons of ore are thus mined and disposed of weekly.

The coke is mostly made in the open air in what are called pits, being long piles or windrows of coal from 75 to 120 feet long, 8 feet

wide, and 4 feet high, of which there are generally from 50 to 60 in the process of coking.

The rolling mill, which is in the shape of a Maltese cross, (with one additional wing 74 feet square,) is 600 feet long, the main building 100 feet wide, and 370 feet across the cross wings, covering an area of 83,375 square feet, containing 30 double, equal to 60 single, puddling furnaces, 14 heating furnaces, 14 pairs of rolls, with all the requisite machinery, such as fans, shears, saws, punches, presses, &c., all driven by 14 steam-engines, equal to 1,000-horse power. Working capacity 600 tons per week, or 30,000 tons finished rails per annum.

Near the mill is a large foundery, which is driven by a small upright direct-acting blowing engine of 30-horse power, and near it a machine and blacksmith shop having two steam-engines. These shops manufacture the machinery and do all the repairs of the works.

The wagon-maker's shop, harness-maker's shop, stables, butchering establishments, stores, and other auxiliary departments, each in itself a respectable enterprise, all go to swell the magnitude of this mammoth concern. The fact that over 2,000 men find constant employment in and about these works gives a better idea of their magnitude than any statistics could suggest.

The pig metal is taken by railroad from the furnaces to the mill, a distance of less than one-fourth of a mile, broken up and taken to the puddling furnaces, and there, by the process known as boiling or puddling, converted into wrought iron and formed into balls of about 100 pounds weight, which are taken to the large rotary squeezer, (an improvement upon the tilt hammer,) which throws off the cinder or dross and forms them into blooms, which are taken to the rolls and there rolled into what is called muck or puddler's bars; from thence the bars are taken to the shears and cut into lengths suited to the weight of rail to be made. A portion of this iron is piled and rolled into bars of seven and a half inches wide and one inch thick, which is cut by the shears into suitable lengths to form the top and bottom pieces for the rail pile, which is made up of six or eight layers of this reworked and puddler's iron. The rail pile thus made up is heated and taken to the rail mill, which has three rolls, one above the other, and the hot iron is passed first between the middle and bottom rolls, and back between the top and middle, thus working the iron both ways, saving much hard labor in passing the iron back over the roller, as is the case in the ordinary two-high mills, and in about one-half of the time usually consumed, and insuring a much sounder and more perfect weld than could be procured in an ordinary mill. Ten to twelve passes, occupying about one minute's time, form the rail, which is run from the rolls on a carriage, which takes it to the saws, where both ends are cut off, leaving it of the desired length. From thence it is taken to the cooling bed, where it remains until cool enough to handle, when the straightener takes it to the press to straighten, which done, the ends are finished by chiseling and filing, and then passed to the puncher. After being punched they are taken outside of the mill finished and ready to be loaded into cars, which

the company's locomotive has ready. It requires about the space of time necessary to complete the process of making the rail that it takes it to cool, and from the time the pigs are introduced into the puddling furnaces the iron passes over some 600 feet of ground until it is put into the cars in the desired shape of rail.

Here, too, might be manufactured, with great facility and saving to the government, much, if not all, the fixtures and machinery used in and necessary to an armory. But without descending to particulars, it is respectfully submitted that Johnstown claims superiority as a site for the national armory, in all the following particulars, over any other point or place claimed, to wit:

1st. In security against invasion from without and insurrection from within.

2d. In healthfulness of climate, with picturesqueness and variety of scenery.

3d. In facilities for speedy and cheap transportation.

4th. In quantity, quality, variety, and cheapness of raw material; and

5th. In the cheapness of living and labor.

It is therefore confidently believed that, should a commission be appointed by Congress to select a site for a national armory, and should that commission visit Johnstown, the combination of natural and artificial advantages presented at this point would be found superior to those of any other in the land, and warrant the location of the works here.

All of which is respectfully submitted.

A. HOPELIN.	EVAN ROBERTS.
C. L. PERSHING.	JOHN M. BOWMAN.
D. J. MORRELL.	GEO. S. KING.
H. A. BOGGS.	G. W. OSBURN.
J. C. NOON.	S. H. SMITH.
LEWIS PLITT.	J. FRONHEISER.
A. MARBOURG.	JAMES POTTS.

MEMORIAL TO CONGRESS UPON THE SUBJECT OF A NATIONAL ARMORY, WITH THE PREAMBLE AND RESOLUTIONS ADOPTED BY THE COMMON COUNCIL OF THE CITY OF ALTON, DECEMBER 2, 1861.

To the honorable the Senate and House of Representatives of the United States:

Having been appointed a committee, by the mayor and common council of the city of Alton, to prepare a memorial to Congress, setting forth the advantages of Alton as a suitable locality for the proposed new armory and arsenal, the undersigned would respectfully present for your consideration the following brief statement of facts and reasons why such an establishment should be located in or near this city. We believe that the situation of Alton presents natural

advantages for the location of a national armory, foundery, and arsenal, equal if not superior to any other place. We would call your attention to these advantages by first referring to its geographical position.

GEOGRAPHICAL POSITION.

1. Alton is in latitude north 38° 20′, on the left bank of the Mississippi river, three miles above the mouth of the Missouri river, and twenty miles below the Illinois. The bluffs upon which Alton is built recede a short distance below the city and form the great "American Bottom," and do not again approach the river for one hundred miles; the "Bottom" ranging in width from three to ten miles, forming a belt of land never equalled in fertility by the famed valley of the Nile. A glance at the map of the United States will show the equidistant position of Alton between the British possessions on our northern frontier and the Gulf of Mexico, south, and between the Atlantic ocean on the east and the Rocky mountains on the west. It is nearly on the same parallel of latitude with Washington city and Sacramento, and on the direct line of the most eligible route for the Pacific railroad, which will at no distant day connect the Atlantic with the Pacific. From our massive bluffs a bridge can be thrown across the Mississippi river, with less expense and more permanency than at any other point, and without damage to the navigation of the river.

ADVANTAGES FOR MANUFACTURING.

2. As a point for manufacturing, Alton has no equal on the western waters. It is built upon solid limestone, famous for the manufacture of lime of the very best quality, and producing a building material as durable as granite, with beds of the finest fire-clay, and clay for brick and earthenware, and drain pipes. We have inexhaustible mines of excellent bituminous coal underlying the whole country north and east of the city, and so easily obtained that it is delivered at our founderies, machine shops, flour mills, and dwellings, in any quantity required, at the low price of $2 per ton. The coal of this region is considered better for mechanical purposes than any found west of Pittsburg. In this important article the item of freight is so inconsiderable that it can be furnished in large quantities at $1 per ton, or four cents per bushel, being a slight advance upon the cost of taking it from the mines. The choicest iron can easily be obtained from the Iron mountain in Missouri, the water and railroad communication to which is less than one hundred miles. The raw material, whether in the bar, the pig, or the ore, can be transported here cheaper than when manufactured. Iron from Pennsylvania, even, including packages, can be transported, to be manufactured here, at one-third the cost of the manufactured article. Our own State abounds in lead, and Missouri in both lead and copper. In the forests near Alton all kinds of wood of the best quality for the manufacture of arms may be found in abundance. Fuel, for the reasons stated above, must always be cheap; and thus, taking all things into

the account, rendering steam power more economical than water power.

COST OF LIVING.

3. In the matter of subsistence another advantage is possessed by Alton over any of her competitors. Land within and around the city, suitable for the habitations of mechanics, is not held at a fictitious value. Materials for building—stone, brick, lime, and timber—are cheaper than in the inland cities of the east, and groceries and dry goods are not generally any dearer; while in all the other great staples of life our advantage is more apparent. The following list of articles, with the selling prices annexed, is copied from the daily papers of this date: Corn of last year's growth and fit for shipment is selling from 15 to 18 cents in store; oats, 12 to 15 cents; rye, 30 cents; fall wheat, common to choice, 50 to 70 cents; spring wheat, 40 to 50 cents; flour, $3 70 to $4 50; beans, navy, $1 to $1 10; apples, 50 cents per bushel; dried peaches, $1 75 to $2; eggs, 8 to 10 cents per dozen; chickens, (live,) $1 25 to $1 50 per dozen; turkeys, (dressed,) 60 to 80 cents; geese, 40 cents; prairie chickens, per dozen, $2; quails, 75 cents per dozen; wild ducks, $1 50 per dozen; deer, (whole,) per pound, 5 to 6 cents; venison saddles, 8 to 10 cents per pound; butter, 10 to 15 cents; lard, 8 to 10 cents; tallow, 5 to 5½ cents; beef, per quarter, 2½ to 3 cents; hogs, 3 to 3¼ cents; Irish potatoes, 15 to 18 cents; sweet potatoes, 40 to 50 cents; onions, per bushel, 35 to 80 cents; turnips, 12 to 15 cents; wood, $2 to $2 50 per cord. Circumstances, of course, are constantly occurring, which temporarily affect the price of these articles; but we are of the opinion that the average selling prices have not exceeded those given above during the last twenty years.

HEALTH.

4. Alton and its vicinity is admitted, on the score of health, to be a desirable place for residence. Perfect drainage has been secured, rendering it one of the most healthy localities in the United States. The city mortuary reports, published monthly for the past ten years, show a per centum of mortality so small as to be almost incredible.

FACILITIES FOR TRANSPORTATION.

5. For convenience as a depot, and as a point of distribution of arms and the munitions of war, Alton would seem unrivalled. Ever since the first steamer landed here,* and up to the establishment of the present blockade, Alton has had almost uninterrupted communication with New Orleans. The river here is seldom closed by ice. The great rivers of the west are navigable for boats from Alton for more than 12,000 miles. Through our rivers and the Illinois and

* The "Western Engineer" landed at Alton July 8, 1820, and was the first boat that ever passed the mouth of the Missouri. This boat was built for the use of Colonel Long's expedition to the Rocky mountains.

Michigan canal we are in communication with nearly all the great cities of the west and northwest. Without necessary transhipment, we can send freight of every description to any point on the Mississippi river, on the Ohio, Tennessee, and Cumberland rivers, or on the Missouri and all its navigable tributaries, or upon any other streams emptying into the Mississippi. In one day, between sun and sun, with our present railway facilities, we can transport to any point within three hundred miles, in almost any direction, any quantity of military or naval munitions which could by possibility be required. The railroad from Alton to St. Louis connects at east St. Louis with the Ohio and Mississippi railroad, bringing Cincinnati within ten hours' ride. East through the rich prairies of central Illinois stretches out the Alton and Terre Haute railroad, connecting the Mississippi river with New York by the shortest route. On the north the Alton and Chicago railroad connects with all the railroads through the northwest, including the great Illinois Central; thus placing Alton in communication by rail with the great net-work of railroads throughout the Union, while its proximity to St. Louis gives it all the advantages possessed by that great city in markets, manufactures, commerce, and business generally.

SECURITY OF LOCATION.

6. A point more secure from attack, or if attacked, that can be more easily defended than Alton cannot be selected, our bluffs being natural fortifications commanding the mouth of the Missouri as well as the Mississippi river. No *naval force* would here be necessary to protect an armory from foreign invasion, since such an invasion by water could scarcely by any possibility occur, with 1,350 miles of river intervening between it and the Gulf of Mexico. Should foreign invasion ever occur from the north, by way of the lakes, the enemy after landing would have more than 250 miles of loyal territory to pass over before he could reach Alton. In this view our position is actually inaccessible to any naval or land force which any foreign power can ever send against us.

CONCLUSION.

In conclusion, your memorialists would respectfully suggest that, in locating the western armory and arsenal, only such high considerations of public good, as centrality of position, advantages for manufacturing, cheapness of living, salubrity of climate, facilities for transportation, and security of location, should have any weight with the government; and your memorialists believe, for the reasons given, that the above prerequisite conditions are found here in a greater degree than at any other place in the western States. For purposes of distribution, Alton may be considered the centre of a circle embracing a population of nearly ten millions of people, and a military force of a million of men, contained in twelve States and Territories,

who can better be accommodated with arms and munitions of war from here than from any other point.

Your action upon this subject concerns no single city or locality merely, but the people of the whole valley of the Mississippi. We submit our claims, to be compared with those of other places, possessing, perhaps, more wealth and influence, believing that you will decide upon such location for the western armory as you may deem will best promote the public interests.

M. G. ATWOOD,
J. J. MITCHELL,
B. K. HART,
Committee.

ALTON, *December* 2, 1861.

The following preamble and resolutions, presented by Alderman Calvin, were adopted by the common council of the city of Alton, December 2, 1861:

Whereas the subject of the location of a national armory, foundery and arsenal, for the manufacture and safe-keeping of arms in the west, will come before Congress at its present session; and whereas Alton is the great natural centre of the west, having facilities and conveniences for such manufactures superior to any other city; and believing that arms can be manufactured here at less cost, and distributed with more facility, than at any other place; and that Illinois, from her loyalty and devotion to the Constitution, is fairly, as a matter of right, justly entitled to such an establishment: Therefore—

Resolved, That the memorial to Congress, prepared by the committee upon this subject, be, and the same is hereby, adopted as the expression of this council in behalf of the citizens of Alton.

Resolved, That the members of Congress and senators from this State be earnestly requested to advocate, urge, and vote for the establishment of such armory and arsenal at Alton.

Resolved, That the finance committee, in connexion with the mayor, are authorized to appoint one or more persons, whose duty it shall be to immediately proceed to Washington city for the purpose of laying the memorial and these resolutions before Congress, and with authority to take such further action before the armory committee as they may deem expedient for presenting the claims of Alton as the proper locality for the national armory.

In accordance with the resolutions adopted by the common council of the city of Alton on the 2d of December, 1861, the undersigned have appointed Hon. Samuel A. Buckmaster, Hon. Cyrus Edwards, and Major Samuel K. Casey as the committee in behalf of the citizens of Alton, with authority to proceed to Washington, at the request of the committee, and there use every honorable measure in

their power, to procure the location of the national armory at Alton; and they have accepted the trust.

L. KELLENBERGER, *Mayor.*

B. K. HART,
J. J. MITCHELL,
M. G. ATWOOD,
Finance Committee.

ALTON, *December* 6, 1861.

JOINT RESOLUTION OF THE STATE OF NEW JERSEY, RECOMMENDING THE CONSTRUCTION OF AN ARMORY.

STATE OF NEW JERSEY.

Special Session.

JOINT RESOLUTION, No 3, recommending the construction of an armory.

1. *Be it resolved by the senate and general assembly of the State of New Jersey*, That they respectfully recommend to the government of the United States to establish an armory for the construction of arms and implements of war in the State of New Jersey, where unusual facilities exist for procuring coal and iron and other necessary materials, and for the easy, safe, and speedy transmission of munitions of war to all parts of the Union.

Passed May 10, 1861.

STATE OF NEW JERSEY:

I, Whitfield S. Johnson, secretary of state of the State of New Jersey, do hereby certify the foregoing to be a true copy of a joint resolution passed by the legislature of this State the tenth day of May, A. D. 1861, as taken from and compared with the original now on file in my office.

In testimony whereof, I have hereto set my hand and affixed the seal of my said office this ninth day of July, eighteen hundred and sixty-one, and of the independence of the United States the eighty-fifth.

[SEAL.]

W. S. JOHNSON.

PETITION OF ONE HUNDRED AND TWENTY CITIZENS OF NORTHWESTERN PENNSYLVANIA, PRAYING FOR THE ESTABLISHMENT OF A NATIONAL ARMORY OR FOUNDERY AT THE CITY OF ERIE, IN THE STATE OF PENNSYLVANIA.

To the honorable the Senate and House of Representatives of the United States:

The undersigned, citizens of northwestern Pennsylvania, respectfully ask your honorable bodies to fix upon Erie, Pennsylvania, as the point for the establishment of the proposed national armory or foundery on the lake frontier.

A reference to the numerous official reports of the United States officers in charge of the harbor improvements at this point for a series of years, from 1824 to within a short time past, will abundantly attest the capacities and worth of this place in a military as well as commercial point of view, as indicated by disinterested and scientific examinations of this and the other harbors of the lakes.

Referring partially to the conclusive arguments in favor of this place for such purposes, furnished by these reports, we beg leave to add a few facts, developed by the progress of the country since their production:

I. For all practical purposes the navigation of the whole chain of lakes is open from this port as soon as any other west of it, while those on the east are usually blockaded by ice for from four to eight weeks later in the spring.

II. The extent and depth of water in this harbor are much greater than that of any other on the lakes, containing about six square miles, with an average depth of twenty feet, affording the most secure shelter and anchorage for as large a naval or commercial fleet as can be maintained on the lakes; while, from its peculiar formation, by an extensive island running parallel with the main shore for a distance of about five miles, it could, with comparative ease, be rendered perfectly safe from hostile invasion.

III. There is no point from which supplies of arms and munitions of war could be more promptly or more generally supplied than this, by reason of the various avenues which are available for that purpose, and which would serve at the same time as most reliable means of bringing here every article needed in their manufacture. These are—

1. The lake—open for three-fourths of the year, and giving the most ample water communication with the ports of seven States of the Union.

2. The Lake Shore railroad, leading to Buffalo, Albany, and Boston, and, by way of Dunkirk, to New York.

3. The Cleveland and Erie railroad, running to Cleveland, Ohio, and there connecting with the various roads which diverge from that point through the south and west.

4. The Philadelphia and Erie railroad, finished and in operation as far as Warren, on the Alleghany river, and soon to be completed, so

as to give us a direct communication with Philadelphia, running through the whole extent of Pennsylvania, and affording, by its connexion at Sunbury with the Northern Central railroad, an equally direct connexion with Harrisburg, Baltimore, and Washington, without change of gauge from Erie.

5. The Pittsburg and Erie railroad, extending and now in operation for about seventy miles into the interior toward Pittsburg, running through a rich, fertile, and populous country.

6. The Erie canal, long in successful operation, connecting the lake at this point with the Ohio river at Beaver, and supplying the market at this place with bituminous coal in such quantities as to make it the chief point of supply of that article for the whole lake region.

7. Various plank roads running into the interior in different directions, reaching supplies of timber and other materials of all kinds and qualities and unlimited extent.

8. There is no change of gauge on the railroad leading from Erie, *via* Harrisburg, to Philadelphia, New York, Baltimore, and Washington city, or to the west from Erie.

9. There are three large iron founderies and machine shops in Erie, one of which as early as 1845 manufactured a large amount of ordnance and shot for the government, and at these steam-engines and ordnance stores can be had or made cheaper than elsewhere.

With these facilities can be brought here the iron of Lake Superior in any quantity needed, as it is now—the anthracite coal of the Susquehanna region—the bituminous, of the region through which the canal passes, and the manufactured products distributed to all parts of the country.

There is ample room for the most extensive works within the harbor and on the banks, to be secured at comparatively small cost, if, indeed, the necessity of any purchase is not obviated by the fact that there is a reservation by the State of Pennsylvania of about sixty acres of land, in a most suitable location, adjoining the harbor, for purposes of military use by the State or national government, which may be rendered available.

For these reasons, among others, we regard Erie as presenting advantages for the operations of a national armory or foundery superior to those of any other point on the lake frontier; and as citizens of northwestern Pennsylvania, who promptly answered the call of our country, by furnishing three regiments for her army, and who have hundreds of others of their sons in the ranks in other localities, we feel that we are entitled to the favorable consideration of our government in the dispensation of its favors, and now respectfully present our claims.

(Signed by 128 citizens)

PETITION OF CITIZENS OF HOLLIDAYSBURG, PENNSYLVANIA, FOR A NATIONAL FOUNDERY AT THAT PLACE.

To the Senate and House of Representatives of the United States of America in Congress assembled:

The undersigned, residents of Blair county and parts adjacent, in the State of Pennsylvania, respectfully represent and pray that a national armory and foundery be authorized to be constructed and established at Hollidaysburg, in said county of Blair. They do this because they believe—because they know, that no other location in the United States possesses, in an equal degree, all the essential elements and all the necessary materials on the spot and in the immediate vicinity, with equal means of transportation, for the cheap, convenient, and successful carrying on and operations of such an establishment. Hollidaysburg is in "the Juniata iron region," and near the centre of it. The better quality of the "Juniata iron" is known to all who know anything on the subject to be the best iron in the United States. All the cannon lately made for the government at Pittsburg has been made of pig metal obtained from the immediate vicinity of this place and transported thence to Pittsburg. Any desired amount of the very best quality of iron can be obtained at Hollidaysburg and its immediate vicinity, thereby saving the cost of its transportation to distant points to be manufactured; and all the coal necessary, of suitable quality, can be had at the same point at the cost of mining and transportation a few miles by railroad, its cost per bushel delivered being about five cents. A suitable site for such an establishment, with the means of distributing water all through it, and timber and lumber for building and construction, can be cheaply and readily had and obtained at this point. Hollidaysburg is located on the main line of the Pennsylvania canal and on the Pennsylvania railroad, being connected with Altoona, in the same county, which is the central pointof operations of the Pennsylvania railroad, by a branch railroad about 8 miles in length, in good order and condition and in daily use. At Hollidaysburg, which has a good agricultural country around it and in its immediate vicinty, there are now two blast furnaces which have been in operation for years, and will now again go into operation in a few weeks and make at least 200 tons of good pig metal each week, and there is a rolling mill now working, and another large one now being constructed and expected to go into operation about the middle of April next. There is also a rolling mill and nail factory within the distance of two miles from this point on the railroad, and in all the country around it; in the immediate vicinity and in the adjoining counties there are a large number of blast furnaces and forges in operation, nearly all of which make charcoal iron of a good quality, and all of which (with but a few exceptions, and in these cases the deficiences being but for a short distance over good roads) have the means of transportation to this point by either railroad or canal. No other point than this, possessing *all* the materials necessary for the use of the work to be done at such an establishment, on the ground,

or in the immediate vicinity, with equal facilities for transportation and communication therewith, exists in the United States, and none will be less liable to foreign invasion, and can be more easily and readily defended.

On the whole, the undersigned are entirely confident that if one or more national armories and founderies, or either of them, are now to be established, and the location thereof is to be determined by the consideration of the point at which its erection will *most* conduce to and secure the interests and advantage of the whole of the people of the nation—based on the idea of having and obtaining all the materials and elements of and for successfully working and carrying on snch an establishment, on the ground or in the immediate vicinity, at first cost, and the cheapest possible rate, thereby saving the cost of transportation to a distant point to be manufactured, facilities for the transportation of heavy articles to and from it, and convenience of communication therewith, together with security of position from foreign invasion and available means for defence against the same—*no other point* in the United States, ALL things being considered, can and will compare or compete with this one.

DAVID CALDWELL.	JOSEPH SMITH.
SAMUEL S. BARR.	D. H. BARRON.
JNO. MILLER.	JOSEPH DYSANT.
GEO. W. RUSS.	JNO. DEAN.
JOSEPH PATTON.	JOHN C. WEST.
JOSEPH IRWIN.	JOHN BROTHERLINE.
PHILLIP WATERMAN.	JAMES BINGHAM.
THOS. B. BUCHANAN.	WM. HASTY, Jr.
R. R. HAMILTON.	JAMES CONDRON.
SAMUEL SMITH.	G. C. STALLER.
J. L. HEMPHILL.	R. B. JOHNSTON.
JOS. H. BLACKBURN.	N. HUNT.
JAMES D. RICE.	

PETITION OF CITIZENS OF MONTOUR COUNTY, PENNSYLVANIA, IN FAVOR OF THE ESTABLISHMENT OF A FOUNDERY AND ARMORY AT DANVILLE, PENNSYLVANIA.

To the Senate and House of Representatives of the United States in Congress met:

Congress having decided to establish national founderies and armories at different points, we desire to call attention to the town of Danville, Montour county, Pennsylvania.

In reference to this location, we would state that no better location can be selected in the whole State of Pennsylvania. In proof of this, we submit the following considerations:

Danville is situated about the centre of the State, on the north branch of the Susquehanna river. It is built on rising ground; high hills command the town at all points of the compass; in the midst of of an agricultural section of the State.

Its mineral resources are abundant. Here was made the first anthracite iron, and the first T rails manufactured in America. The ore for the best quality of cast and wrought iron is found within one mile, and is abundant for fifteen miles on Montour ridge. Anthracite coal, from the Luzerne region, can be delivered at Danville at $1 75 per gross ton, and frequently for less money. There are inexhaustible beds of limestone within two miles, and moulding sand of the first quality in unlimited abundance.

We have thirteen blast furnaces, mostly using anthracite coal; three large rail mills, capable of turning out 175 tons of rails per day; four iron founderies, where the finest hollow-ware and heaviest machinery is made. The North Branch canal runs through the town, northeast to New York, and south to Philadelphia and Baltimore; the Catawissa, Williamsport, and Elmira railroad, in connexion with the Lehigh Valley, leading to New York city, and west to Elmira and Lake Erie; the Lackawanna railroad, to Scranton, connecting with the net-work of railroads throughout the State of New York and the eastern States; and on the west with the S. & Erie and the Northern Central to the south, *via* Baltimore and Washington.

Danville, by its industry and enterprise, has almost grown to a city. It is located north of the southern tier of mountains, in the fertile valley of the Susquehanna, and south of the Alleghany range: possessing every facility for procuring bituminous and anthracite coal at a much lower rate than they can be procured south of the mountains. It would be entirely secure from attack in case of war, and is geographically near the centre of the great loyal State of Pennsylvania.

Danville is, therefore, entitled to consideration on account of the foregoing reasons, as well as the spirit manifested in sending troops to the present war. The many avenues to all points of the compass will insure a speedy transit to all implements of war in entire security from invasion, as the high hills on all sides give complete command of the place.

An examination of the claims referred to will show that Danville is entitled to the location of the national foundery; while, on account of its central position, it will be generally acceptable to the people of Pennsylvania.

We, as in duty bound, &c.

MEMORIAL OF BURLINGTON ISLAND ASSOCIATION

Congress having decided to establish, and the immediate necessities of the nation imperatively calling for the establishment of national armories and founderies at different points, we desire to call the attention of Congress to the advantages possessed, as a site for the same, by that portion of the island of Matiniconk, situate in the Delaware, between Burlington, in the State of New Jersey, and Bristol, in the State of Pennsylvania, belonging to the Burlington or Matini-

conk Land Association. We are fully aware that many qualifications must be united, in order to constitute an eligible site for the location of such important national works. The principal qualifications necessary in the location for an armory and foundery we take to be—

1. The requisite power to drive the machinery demanded by such works; or, in this age, where steam has so generally superseded the use of water power, facility in procuring the fuel necessary for the production, in the most economical manner, of such power.

2. Position—where health may be enjoyed, and subsistence be cheaply obtained.

3. A locality that shall combine, in an eminent degree, a facility of obtaining such materials and supplies as may be procured at low prices and with facility, of the character needed for carrying on such works.

4. A locality that shall combine facility in the distribution, in the most convenient and economical manner, of the arms to be manufactured.

5. Locality as regards safety from attack and capture during war, which may be considered a most important point.

Now, we are of the opinion that the site above named, and whose selection we desire to urge upon the government, unites fully all the above requisites in a most remarkable degree.

The Burlington Island Land Association, at the point named, are in possession of some two hundred and fifty acres of the island, which lies in the river Delaware, equidistant between the city of Burlington, in the State of New Jersey, and the town of Bristol, in the State of Pennsylvania. There are some two hundred and fifty acres of the residue of this island still owned by the city of Burlington, but which, if necessary, will and could be purchased. The association, however, are in possession of the most eligible and best part of the island, with its front lying, for over three thousand feet, upon the river.

As to the first requisite above named—the power to drive machinery in the most economical manner for such works—we take it for granted that the use of steam power has been found most advantageous and most reliable, and, all things considered, more economical, than water power, by the government. In the use of such a power, cheapness of fuel and the facility of obtaining it enter largely into the question. In this particular regard, we can safely assert that we know of no locality that combines the two in a greater degree than the site above referred to. It is located but a very few hundred yards from the coal depots of Bristol and the mouth of the Delaware and Lehigh canal which brings down the wealth of the inexhaustible coal-fields above; while the transportation by rail connects Bristol not only with those mines, but with those of the Lackawanna, at Scranton. There can be no point named, therefore, possessing higher advantages for procuring, and that in the most economical way, all the fuel that may be necessary for the creation of all the steam power demanded for the works of the government.

Second. In regard to this locality as to health and the procuring of cheap subsistence, it may be safely asserted that no locality in the

United States can surpass it. A very large portion of it is high ground, rising abruply from the river, and the soil is of a dry sandy loam, and the island entirely exempt from the causes that usually produce miasmatic diseases. We can safely assert, therefore, that the workers of an armory and foundery located here would be free from the obstructions and delays consequent upon general or periodic liability to sickness among the workmen. In the matter of the cheapness of subsistence, surrounded as this island is, and in direct constant intercourse with some of the richest and most bountiful agricultural regions of New Jersey and Pennsylvania, we may safely assert, and without the hazard of contradiction, that all kinds of substantial provisions can be obtained here as cheaply as in any parts of the Union, and of most excellent quality.

Third. That it is a locality where such materials and supplies as shall be necessary for the construction of the works and the manufacture of arms can be readily obtained, will at once appear from its central position between the great cities of New York and Philadelphia, being in direct communication with the last of these cities almost hourly by water carriage and by rail, and with New York several times a day by the last-mentioned mode of transportation. Large quantities of most excellent moulding stock are to be had from several points in the immediate vicinity and of ready access; while all the timber required, such as pine, oak, walnut, and maple, can readily be had, and at reasonable prices.

Fourth. In the facility for the distribution of the articles manufactured here to any part of the Union it is not necessary to enlarge, as its location on the great railway lines between New York and Philadelphia furnish all the evidence that may be necessary upon that point, not to mention the means of transportation that can be so readily furnished by the Delaware and Lehigh, and the Delaware and Raritan canals—the one in the immediate vicinage, and the other commencing at Bordentown, but a few miles up the river.

Fifth. As a locality that insures comparative safety from attack in time of war, this may be said to be unsurpassed. Situate in the midst of the Delaware river, the facility by which it can be protected from attack from the land side must be self-apparent, while the fact that it is twenty miles from Philadelphia up the Delaware, where only vessels of light draught can navigate, places it in a condition of positive security from all hostile attacks by water. This is certainly a most important point to be considered in the selection of a national armory and foundery.

The site named has another advantage, which is, that it is located most favorably for the workmen on the score of absence of exposure to the temptations and vices that are sure to beset them in the midst or in the immediate vicinity of large cities. This fact must be considered as operating beneficially both as regards the health of the workmen and their usefulness and value to their employers.

We have thus briefly enumerated the advantages possessed by the site, for which we desire the favorable attention of the government. But there is another point still to be urged, and that is, the claim

that New Jersey has, all other things being equal, to the enjoyment of at least some of the patronage of the general government. While neighboring States have shared most bountifully in its favors, New Jersey has been turned empty away. Not to say anything of her past services, we can dwell upon her present loyalty and devotion to the government in the alarming crisis that is upon us. The presence of ten full regiments in the field, from a State with not more population than the city of New York, speaks louder in favor of her zeal and patriotism than any language can convey.

The establishment of a large national work within her borders would, we believe, be the first instance in which she has ever been largely favored by the general government. The island being located directly on the boundary line between the States of Pennsylvania and New Jersey, the advantages arising from its selection would, in a great degree, benefit the State of Pennsylvania as well as the State of New Jersey.

We believe that a careful examination of the site named is admirably calculated for the location of a national armory and foundery, and will at the same time furnish an opportunity to the government of doing justice to a State whose just claims to share some of the government patronage have been so long unheeded, and which calls loudly to assist in all that pertains to the advantage of honestly working for our country.

All of which is most respectfully submitted.

THOMAS E. MORRIS,
President of the Matiniconk or Burlington Island Land Association.

We, the undersigned, do hereby approve and recommend the within described Burlington Island as a very desirable situation for a national armory and foundery.

Hon. JNO. C. TEN EYCK, *U. S. Senator.*
Hon. JNO. R. THOMSON, *U. S. Senator.*
Hon. JOHN L. STRATTON, *M. C.*
Hon. N. PERRY, *M. C.*
Hon. WM. A. NEWELL,
Ex-Governor of New Jersey.
His Excellency CHAS. S. OLDEN,
Governor of the State of New Jersey.
Commodore R. F. STOCKTON.
W. W. MARKLEY.

ESTABLISH THE ARSENAL AND ARMORY AT QUINCY, ILLINOIS

As the establishment of a western arsenal and armory is contemplated by the Congress of the United States to meet the increased requirements of the country, and as the claims and advantages possessed by many western cities and towns for the location of such an establishment are being industriously pressed upon Congress and the

public, it is perhaps well that the place which presents in an eminent degree advantages superior to those of any other whose claims are being urged upon Congress and the public should not be wholly overlooked and forgotten.

Quincy is the geographical centre of the three great western States of Illinois, Iowa, and Missouri.—(See map of government survey herewith.)

By describing a circle of which Quincy is the centre, and the circumference touching Chicago, it also touches Cairo, and embraces within it the whole of Illinois, Iowa, and Missouri, the great lumber portion in the west, south of Wisconsin, the only settled portion of Kansas, and parts of Indiana, Kentucky, Arkansas, Nebraska, and Minnesota. Within this circle, the diameter of which is 500 miles, and the centre of which is Quincy, are embraced more agricultural and mineral wealth and resources, and better means for distribution by transportation by river and rail in every direction. than can be found in any other tract of country of the same diameter on this continent.

Quincy is on the east bank of the Mississippi river, and is the furthest west of any city on the east side of that river for its whole length from Galena to New Orleans, being 64 miles further west than St. Louis, and 45 miles further west than Rock Island.

In population Quincy has about 16,000, and is in size the second city in Illinois.

It is located on a high bluff, about 160 feet above the level of the river, and is the highest point on the east bank of the river for a distance of 100 miles, there being no point within 30 miles above Quincy or 70 miles below at which the bluff comes to the river.

The latitude of Quincy is the same as Philadelphia. The atmosphere is dry, the winters mild, the navigation of the Mississippi at this place is rarely impeded by ice for more than sixty days in winter, and frequently it is uninterrupted during the entire year.

Quincy is below all obstructions which exist to the navigation of the Mississippi; it is 40 miles below the rapids at Keokuk, and the largest Mississippi river steamers can land, load, and depart from the levee.

The best boat harbor on the river is at Quincy; it is a bay about four miles in length, which is formed by a long peninsula dividing a portion of the river from the main land. In the bay many large steamers from St. Louis are laid up and repaired during every winter, and are safe from the heavy ice brought down from the upper Mississippi river by the winter and spring freshets. As a safe harbor for keeping and repairing or building government boats, this bay is unequalled and invaluable.

Quincy is situated directly at the crossing of the two great thoroughfares of the country—the Mississippi river and the longest line of railroad on this continent. The first furnishes means for transportation from north to south for the whole length of the United States; the last commences at the Atlantic ocean, and passing westward

crosses the Mississippi river at Quincy, and continues to the most western State this side of the Rocky mountains.

Within twelve hours of Quincy, by cheap river transportation, are the lead mines of Galena and Dubuque on the north; and within about the same distance south, and accessible nearly the whole way by river navigation, are inexhaustible deposits of the best iron in the world—that of the Iron mountain and Pilot Knob in Missouri. In the immediate vicinity of Quincy are immense forests of black walnut and white oak timber. Much of the black walnut used for gun stocks in eastern armories is sawed and shipped from the vicinity of Quincy.

For quality and cheapness of building materials Quincy is second to no place in the Union. The finest building stone can be obtained in any quantity directly upon the spot for simply the cost of quarrying.

Brick of the best quality is manufactured here in immense quantities, and can be had, delivered, at $3 per thousand.

Lumber can be obtained here as cheap (if not cheaper) as in any other place in the west. For example, a large quantity of lumber was recently advertised for by the government agent for the purpose of building barracks at Camp Butler, near Springfield. Bids were received from parties at Chicago and many other places; the lowest bidders were from Quincy, who took the contract, shipped the lumber from Quincy, and delivered it at Camp Butler, transporting it by rail 116 miles, at $16 per thousand.

Inexhaustible mines of coal of the best quality are in the immediate vicinity of Quincy, and this place is the coaling depot for steamers plying between the upper rapids of the Mississippi river and St. Louis. Coal can be had, delivered, at $2 per ton.

A national armory and arsenal located at Quincy would be perfectly safe from a foreign foe, and would be placed on high ground, with every advantage for defence, where, if necessary, it can easily be protected from domestic invasion. If no other points of advantage existed, these alone would indicate Quincy to be a better place for locating such works than Chicago. The chain of lakes, on the shore of which is situated Chicago, are on another side the shore of a foreign nation. A large expenditure in building a national arsenal and armory at Chicago would probably involve a much larger expenditure in building fortifications at Mackinaw, and a fleet of government vessels to protect the armory from foreign invasion, and which might, after all, prove ineffectual for its protection.

Chicago claims, as one reason why the location of these works should be at that point, the fact that Chicago is "the great grain depot of the northwest." True, but a glance at the map will show Quincy to be the centre of that great circle of agricultural country which produces the grain, only a small portion of which, after all, is sent to Chicago. Chicago is a great commercial city; Quincy is the centre of a great producing country, rich in agricultural and mineral wealth, and its great interests and pursuits are manufacturing.

A great commercial city is not often the best place for locating large manufactories, and among the many reasons, not the least is

the fact that in a large commercial city operatives in manufactories are rarely able, from the high prices of real estate, to purchase homes, but must, at high rates, rent small and uncomfortable tenements for themselves and families. This point may seem trivial to some, but any large manufacturer will readily understand and appreciate the increased value of men who own and live in comfortable homes. For this, and many other reasons which exist, we rarely find great manufacturing establishments, either public or private, located in great commercial cities. An United States arsenal was located in Springfield, Mass., on the Connecticut river. Why not have located it at Boston? Another was placed at Watervliet, on the Hudson river. Why not have placed it at New York or Albany? Another was built at Harper's Ferry, on the Potomac river. Why not have built it at Baltimore or Philadelphia?

Another is to be erected, and there is no doubt that it should have a western location; and with reference to the rapid present and prospective development of the country in that direction, *the most western point*, otherwise suitable and affording necessary facilities, would, on that account alone, have peculiar claims to the attention of those charged with the location. Quincy has that position, and will be found to possess advantages which are combined to the same extent at no other point.

JOHN WOOD,
THOS. REDMOND,
JAMES WOODRUFF,
S. W. RODGERS,
THOMAS JASPER,
HENRY ASBURY,
Committee of the citizens of Quincy.

MEMORIAL OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SANDUSKY, FOR THE ESTABLISHMENT OF A NAVAL DEPOT, ETC., AT SANDUSKY BAY.

To the honorable the Senate and House of Representatives of the United States:

The memorial of the mayor and city council of the city of Sandusky, Ohio, respectfully represents that the long protracted peace of nearly half a century with Great Britain, and the confidence thereby inspired in her continued justice and friendship, had created that feeling of security which has left the entire frontier of our northern lakes, together with their immense commerce, naked and exposed to the most imminent peril in the event of war with that power; that this commerce, as will be seen by official reports, is far greater than our entire foreign trade, amounting annually to more than nine hundred millions of dollars; that a very large portion of the tonnage engaged in this commerce is owned and controlled on Lake Erie, which, from its peculiar position, may be considered the natural centre of its operations, as well as a winter refuge for its ves-

sels; that, by the establishment of a military and naval depot on the southern shore of the lake, this large commercial marine could immediately be converted into a powerful means of defence, or a navy could be created at once for the protection of these great and vital interests.

Recent events, as well as all the signs of the times, clearly indicate the imperative necessity of providing for this protection and defence. Believing that it is the part of wisdom and duty, "in peace to prepare for war," and that a thorough "preparation for war is the surest bond of peace," your memorialists cannot doubt that it is the duty of the general government to grant the means of effecting this object by establishing a naval depot, with the necessary fortifications, at some *suitable point* on the southern shore of Lake Erie where *its waters are longest navigable and least affected by the ice*, where fortifications can be constructed at the least expense, and, at the same time, least accessible to the enemy, and where abundant ship-building material and facilities can be most cheaply obtained.

Under this conviction your memorialists respectfully ask leave to call the attention of Congress to some few of the facts and reasons which combine to recommend Bull's island, in Sandusky bay, which they believe unites all the requisitions above enumerated, as the most suitable site for such depot and fortifications.

They are as follows:

ITS COMMERCIAL AND NAVAL CAPACITY.

First.—Sandusky bay is the only *natural* and the most capacious harbor on Lake Erie, between it and Black Rock, embracing an average width of 4½ miles by 17 miles in length, and of sufficient *depth for the largest ships and steamers* that ever sailed, *or that will ever be required upon the lakes!* In the security and capacity it affords for shipping, it stands pre-eminently above all others on Lake Erie.—(See official reports.)

GEOGRAPHICAL POSITION.

Second.—The important fact should not be overlooked that Sandusky bay is situate in latitude 41½ degrees, at a point "where the waters of Lake Erie project down into the very heart of the United States, and form the most southern point in the northern boundary of the country on the whole extensive line from the Atlantic to the Pacific oceans,"* the boundary line, on the one hand, running directly north through Lake Huron, and thence northwesterly through Lake Superior to latitude 49 degrees, and on the other nearly northeast to the northern boundary of the State of Maine, thus placing this harbor at the most southerly extreme of the acute angle formed by these divergent lines, and at a point nearer the great interior of the State and the lower valley of the Mississippi than any other point on the lake.* This fact, in connexion with its safety and facility of access,

* See Vinton's official report.

caused it at an early day to be designated and *used* as the *key* to the trade and commerce of the great southwest.

From this southern position of the bay results also the fact, (a fact showing the incalculable importance to the public safety,) of selecting this point for the depot, and that is, that the lake and harbor at Sandusky *are invariably open and free from ice* several weeks earlier in the spring than at Erie, Buffalo, and several other important ports further east. It is respectfully submitted that this fact alone ought to be conclusive upon the subject.

The British government, wisely acting upon the controlling importance of this consideration, has selected and commenced her naval and military depot on the Canadian shore at Rondou, directly opposite Sandusky. It cannot fail to be seen, therefore, that in the event of war, if our naval defences are established at Erie or Buffalo, not only our commercial marine, but our whole coast and our *entire interior* at this end of the lake will be left open and exposed for several weeks in the early spring to the assaults and devastations of the enemy, while our whole naval and military force and supplies remain *locked up in ice*, without the power of rendering the country the slightest assistance.

TOPOGRAPHICAL CHARACTERISTICS, COMMERCIAL SAFETY, ETC.

Third.—The entrance of the Sandusky harbor, unlike that of any other on the coast, is protected on the north by numerous sheltering islands and projecting points, which afford to in-going vessels a safe and secure haven from the terrific storms which so frequently agitate these inland seas; so that vessels can enter at all times, alike in storms and calms, by night or day, with ease and safety. Whereas at every other port east on the lake they are exposed to the alternative peril of being wrecked against the right or left hand artificial pier, erected at its mouth to preserve the depth of the channel, or to the mercy of the tempest, from whose fury they can find no shelter. This has always been deemed by seamen an invaluable advantage to this harbor, and this accounts for the extraordinary fact of *its* entire exemption from those terrific shipwrecks and for that lamentable loss of life and property which *annually* mark the history of the *mere artificial* harbors further east.

Besides, the harbor is guarded at its mouth by the terminating points or capes of two peninsulas, approaching within one-half a mile of each other, thus confining the alternate in-setting and out-going currents, influenced by changing winds, and perpetuating a deep and broad channel between the bay and lake, completely land-locking the harbor and protecting it from the storms which rage without. Two light-houses also guard its entrance. On one or both these capes or promontories batteries, with shell-proof casements and with power and capacity to prevent the possible entrance of a hostile fleet or vessel, can be constructed at small expense, stone, &c., near by, being abundant.

Under this head it is deemed worthy of special remark that such

are its safety and facilities for the rapid transaction of a heavy business, that although not a dollar has ever been appropriated for its improvement *proper*, *yet no wreck or loss of ship or cargo has ever occurred in entering the Sandusky harbor since navigation has been known on the lake*, although its commerce, according to the last official report before us, exceeded $41,484,000; while at some of the pier-head harbors further east, for whose improvement more than $200,000 have been expended, the annual loss by wrecks has reached $180,000 and upwards.

POSITION OF THE ISLAND, ETC.

Fourth.—Within this capacious bay, thus land-locked and protected, about two miles from its mouth and near the channel leading to the interior, is situated Bull's island, which, it is believed, possesses claims above all other localities to be made a depot for our naval and military stores, and for the construction, refitment, and shelter of our national marine on the lakes.

It contains about 300 acres. It is separated by water about one mile from the northern peninsula and about three miles from Sandusky city, on the south shore, which renders its position not only *inaccessible*, but *unassailable by a land force of the enemy*. At all other points claiming the location such force may be disembarked above or below, and thus attack our defences in the rear, as well as the front, from the lake. *Here* no such assault can be made, and should a hostile fleet, by any possibility, succeed in passing our batteries at the entrance of the harbor, they will be sure to meet certain destruction in approaching the fortress on the island, or in attempting, as in the war of 1812, to pass the channel for the invasion of the interior. It was these extraordinary characteristics of this island and its surroundings which induced the declaration of an eminent officer of the government, engaged in the survey of these waters in 1844, "that if the highest scientific and military skill in engineering had been employed in planning a position for a naval depot it could not have devised one more suitable than this in all its requisitions, and that nature herself seemed to have designed it for that purpose."

MATERIALS FOR FORTIFYING, ETC.

Fifth.—The whole island is based upon inexhaustible quarries of the finest quality of limestone, lying closely packed in separate strata of every desirable thickness, easily quarried; so that this important material for fortifications can be had *on the spot*, and at little or no other expense to the government than the labor of the troops stationed there.

Skilful and scientific engineers, after a thorough examination of the stone on all the shores of the upper lakes, including Erie, on either side, have pronounced them and those on the peninsula of the same quality—the only *reliable* stone in the construction of locks and aqueducts; and for this reason a very large amount have been used for

the public works of Ohio, Indiana, *Pennsylvania*, and exclusively for the locks of the Saut Ste. Marie's canal. For a similar reason large quantities of these stone have, for many years, been furnished to Toronto, Hamilton, Port Jarvis, Buffalo, *Erie*, Detroit, Chicago. and numerous other cities on the coast and in the interior, where they have been used in the construction of churches, banks, court-houses, and private edifices.

TIMBER FOR SHIP-BUILDING, AND OTHER FACILITIES.

Sixth.—Sandusky is one of the largest and cheapest markets for all kinds of pine, cedar, and hemlock lumber, and must continue so as long as the immense pine regions of Michigan and Superior shall endure. And especially in the article of solid lumber—such as oak, ash, beech, maple, cherry, locust, elm, bass and whitewood, birch, cedar, &c.—she has advantages which far surpass any other point on the lake. A large portion of Ottawa county, in which the island is situated, and the whole country on the shores of Sandusky bay and river (extending some thirty-six miles into the interior) abound in all those varieties of timber best suited to the construction and refitment of vessels. The great abundance and cheapness of this material in those localities, as well as along the extended lines of our railroads centering at Sandusky, and the facilities for its transportation by railway and water, will be of immense advantage to the government.

Such is the superior quality of this timber, and such the growing demand for its use for ship-building, that it has induced the erection of a very large stone saw-mill at Sandusky, 150 feet in length, with several gangs of saws, by which immense logs of oak fifty and sixty feet in length, by one passage through them, are rapidly converted into deck plank and other materials for vessels. Large quantities of this timber, thus prepared, have been shipped to New York, Buffalo, and other ports on the lake. This will afford, it is believed, facilities to the government for a naval depot too important to be overlooked; and when, in view of the contemplated fortifications, it is considered that the work of refitting and constructing vessels for the service can be carried on from the timber now standing upon the shores of the bay, thus land-locked and protected, without the fear of molestation from the enemy, may we not hope that the fact will add strength to the other grounds upon which we ask for the location of the depot at Sandusky bay.

Seventh.—The site in question is remarkable for its salubrity and healthiness. The late celebrated Dr. Drake, of Cincinnati, who had spent much time at Sandusky city during the summer months, in his great work entitled "Principal Diseases of the Valley of North America," gives the most decided testimony in favor of the health of Sandusky, declaring that "experience proves that it is, in fact, one of the healthiest towns on the coast of Lake Erie," and recommending it as "a suitable place for the sojourn of invalids."—(See page 356, &c., &c., vol. 1.)

Eighth.—Sandusky has not only unrivalled advantages for ship-

ments by water, but possesses equal facilities to any point in the State or other States for transportation by land. Four important railroads diverge from the city, penetrating in different directions, and forming connexions through other railways with every portion of our vast country to which our northern railroad system has been extended. By two of these lines direct connexions are made with the mineral coal regions of Ohio, as well as with Pittsburg, from whose large iron manufactories of munitions of war, cannon, shot, shell, &c., can be transported to Sandusky City as cheap, at least, by one of the routes as to any other port on Lake Erie.

Along the extended lines of these railroads numerous prosperous towns and cities have grown up, and the whole country from the lake to Columbus and Cincinnati is unrivalled for the fertility of its soil and the cheapness and variety of its productions.

In this connexion it is deemed proper to state, that in view of the *extreme southern position* of this harbor, and of the peculiar advantages of Bull's island for a military post, it has been selected, after a careful examination of all other points on the lake, by Colonel William Hoffman, commissary general of prisoners, an experienced and distinguished officer of the regular army of the United States, as the most suitable point for a depot for prisoners of war, which selection has been confirmed by the government; that a large number of substantial two-story and other buildings have just been completed for the purpose of quarters for officers and men, hospitals, prisons, and other necessary accommodations. These buildings, most of them being very spacious, are valuable structures, and would be of great convenience and value to the government, should they decide upon this location for a naval depot, and they would be admirably adapted for the accommodation of officers, cadets, apprentices, soldiers, and marines, and would save the government the large expenditure of erecting similar buildings at any other point.

Ninth. This harbor is not without its historic fame and prestige. It was *here*, in view of its strategical advantages, that, more than one hundred years ago, two forts were built: one, "Fort Junandat," by the French; and afterwards, Fort Sandusky, by the English. It was *here* that the gallant Perry received on board his little squadron, from General Harrison, a portion of his land forces, without whose aid, he officially declared, his *victory on Lake Erie could never have been won.* It was here, through Sandusky bay and river, that the British troops under Proctor sailed unchecked thirty-six miles into the interior to attack Fort Stevenson, at Lower Sandusky, in 1813; and it *will be here*, where if left unprotected by a refusal of the defences prayed for, that the same old enemy, in the event of war, will find an opening through which to send, by steam, a powerful army into the very heart of the State, to pillage and lay waste our towns and devastate the country.

For these reasons and many others, which we will not here tax the patience of Congress to enumerate, all of which will be verified by authentic maps, by facts hereafter to be presented, and fortified by the reports of eminent topographical engineers now on file in the

archives at Washington, your memorialists earnestly and respectfully pray your honorable bodies to provide by law for the establishment of a naval and military depot at Bull's island, in Sandusky bay, with facilities for constructing war vessels and refitting our commercial marine for the protection of our entire lake coast, and for the erection of such fortifications as shall be necessary for the defence of these works and for the defence of the country.

WM. S. PIERSON, *Mayor.*
H. J. DUNAHOO, *President City Council.*
FRED'K W. GOGSWELL, *City Clerk.*
E. COOK,
RICE HARPER,
JOHN MACKEY,
GEO. BARNEY,
Special Committee of City Council.

MEMORIAL OF THE BOARD OF TRADE AND COMMON COUNCIL OF THE CITY OF INDIANAPOLIS.

To the honorable Senate and House of Representatives:

Your memorialists would respectfully beg leave to set forth the many advantages possessed by the city of Indianapolis as a location for a national armory.

1st. Indianapolis is centrally situated in the great and growing west, being nearly equidistant from the large cities of Cincinnati, Louisville, St. Louis and Chicago, in a district of country that is now, and ever will be, loyal to the Union.

At this point, which is interior and far removed from the seaboard and the lakes, arms and munitions of war would be ever safe from hostile invasion.

No State in the Union has done more, in proportion to its population, to suppress the present rebellion than Indiana; and no State will labor more earnestly than her to sustain the national government, which has blessed the people of every section of the Union.

Indianapolis is unrivalled in railroad facilities. Freight can be run over all our roads to and from any part of the west, without transshipment or breaking bulk. Such being the case, the rolling stock of all the roads can be used, in case of emergency, to expedite the transportation of materials to and from any point, as necessity might require. Moreover, the railroads of this latitude are *never seriously interrupted by snows.* Communication, therefore, to and from this place, would be at all times reliable.

The accompanying map shows the great railroad advantages possessed by the city.

3d. The city has superior water power within its corporate limits. The water of the whole of White river, with a fall of thirty-two feet, can be used in driving machinery. Fall creek also furnishes fine water power.

The water power, with ample grounds for all necessary buildings and improvements, can be had at cheap rates.

4th. Materials of all kinds can be had and collected here in abundance, cheaply, and of the best quality.

No region of the United States is so well supplied with hard wood timber as central Indiana: black walnut, curled maple, oak, hickory, &c., grow in large quantities and in great perfection, in the immediate vicinity of the city.

Stone and stone coal, of superior quality, in inexhaustible quantities, can be procured in our vicinity at cheap rates. Such coal is now wholly used by the rolling-mill in this city for manufacturing railroad iron, and is found to be preferable to the best Pittsburg coal. The coal is also good for welding and blacksmith purposes. Charcoal can also be had at low rates.

Iron ore of the highest excellence is found in great abundance in various portions of the State, much of which is now being manufactured into iron that is of superior quality. The iron-works in Vermillion county in this State, owned by Messrs. Sinton & Co., of Cincinnati, produce an iron that is, in strength and excellence, equal, if not superior, to any iron produced in the country.

Leather is also cheap and abundant, being produced in large quantities by the tanners that are located in and near the city.

Provisions of all kinds are abundant, and the means of living are as cheap here as in any city of the west.

It is confidently believed that this city will not only be a good depot, but that arms and munitions of war can be manufactured as cheaply at this place, and to as great advantage to the government, as at any other point in the United States. The small arsenal now in full operation in this city has done much in supplying the army with ammunition. Its success furnishes but additional evidence of the benefits that may be derived from a large establishment of its kind located here.

There has been consumed in the manufacture of ammunition in the arsenal in this city since July, 1861, upwards of 100 tons of lead, 60,000 pounds of powder, 80.000 pounds of paper; the most of which ammunition has been shipped to Western Virginia, St. Louis, Cincinnati, Paducah, Louisville, Ky., and other points; and all of said ammunition has proved to be of the best quality.

We have now, under the pay of the city government, a thoroughly organized and efficient steam fire department, with three first-class steam fire engines, and less loss has been sustained by fires to property here than any other city in the country.

The depots of the several railroads are nearly all centrally located, and are connected one with the other by a union railroad track, which to a great extent does away with the expense of drayage. Arrangements could be made to connect the armory grounds, by side tracks, directly with the union track, thus affording opportunities for shipment directly from the armory to any point in the country, of arms, ammunition, &c.

Since the destruction of the armory at Harper's Ferry, it would

seem that public interest requires an establishment of the kind located in some part of the Mississippi valley, which region is, at no distant day, destined to contain the larger part of the population of the nation. Public safety would also seem to require that the government should not be dependent on any one point or section for its principal supply of munitions of war; but that the west, as well as the east, be allowed to furnish an equitable quota of such supplies.

The principal armory of the United States is now located at Springfield, Massachusetts, a place situated far to the east and to the north. Such being the case, justice and policy should suggest that the location of a second institution of the kind be in the west, and *far enough south to accommodate the wants and necessities of the people living south, as well as those north.*

For the reasons enumerated, your memoralists are of the opinion that the city of Indianapolis possesses a geographical position and advantages for a national armory superior to those possessed by any other place in the west; and we therefore respectfully pray that our city be selected as the site for such armory.

JAMES BLAKE,
President of Indianapolis Board of Trade.

T. B. ELLIOTT, *Secretary.*

S. D. Maxwell, *Mayor of the city of Indianapolis;* S. A. Colley, Samuel Seibert. Andrew Wallace, Theo. P. Haughey, Wm. C. Thompson, John Blake, G. W. Geisendorff, Stephen McNabb, E. H. L. Kuhlman, Austin H. Brown, Alex. Metzger, S. A. Fletcher, Jr., Charles Richmann, *Members of the Common Council of the city of Indianapolis.*

MINORITY REPORT.

Mr. DELANO submitted the following minority report on the subject of a new national armory and foundery:

The undersigned member from Massachusetts, on the committee appointed to inquire into the expediency of establishing a new national armory and foundery, respectfully but earnestly dissents from the views of a majority of the committee, and herewith submits his reasons therefor.

It will be observed that the committee are charged with a twofold inquiry viz: in one branch as to the expediency of establishing an armory "*west of the Alleghanies;*" in the other as to the expediency of establishing a foundery, no limits as to location being prescribed.

The dissenting member prefers to dispose of the last subject of inquiry first, because he here finds himself differing with his associates only in details. As to the urgent and immediate necessity of establishing a national foundery for the manufacture of heavy ordnance there can be no question. Such an establishment has again and again been urged upon Congress in the annual reports of successive Secretaries of War for the last twenty years.

In this branch of their investigation the committee had before them an accomplished expert from the ordnance corps, Captain Rodman, whose testimony placed in a truthful but painful light the hazards of longer neglecting to provide the only arm which can keep from our harbors an enemy's iron-clad ships of war. The point in which the dissenting member differs from his colleagues is as to the number of founderies and the method of determining their location.

The majority of the committee seem to regard these national establishments as magnificent local endowments, which are to be multiplied and parcelled out according to population, patriotism, or other pretensions of the locality or section which aspires to the coveted prize.

On the contrary, in the judgment of the dissenting member, the establishment of founderies, as well as of armories, belongs clearly to that class of military questions where the science of the ordnance and engineer departments is first, last, and at all times to be invoked; and therefore, while he most cheerfully will concur in the establishment of two founderies, if in the judgment of military men they are necessary, he is satisfied that as yet, at least, no such necessity has been hinted by any high authority from any Bureau which is most concerned with this and kindred questions. Not merely that, but the dissenting member is assured that no recommendation for the establishment of two national founderies at the present time, and at an expense of at least a million of dollars each, can be extorted from the unbiassed judgment of the War Department. What high military authorities will and do recommend is, that a single foundery be established and liberally endowed and equipped somewhere within

navigable reach of tide-water. Such an establishment, thus located, will, amply and better than a plurality of founderies, meet the exigency of the times and subserve the best interests of the country; and the joint resolution which the undersigned will prepare in connexion with this report will be framed upon this strictly military view of the whole subject, and upon an implicit confidence in the Ordnance board of the War Department.

II. The important remaining topic is "the expediency of establishing a new national armory *west of the Alleghanies.*"

In this branch of the committee's inquiry the dissenting member is constrained to say that he has looked in vain for any effort on the part of the committee while conducting their inquiries, to bring to their aid the scientific judgment of experts from the Ordnance department, within the scope of whose pursuits such questions peculiarly fall.

The House need not be reminded that the operations and supervision of our national armory are by law confided exclusively to the Ordnance department. The reports from that establishment, from the lowest inspector up to the superintendent, giving the minutest details of current operations and results of manufacture, are all made to the Ordnance department, and are spread in the annual reports of the Secretary of War and accompanying documents before Congress.

Now, if the judgment, science, and skill of an accomplished ordnance expert deserve to be brought into requisition in determining the necessity or situation of a national foundery, what reason can be given for excluding all such aid or lights when groping our way to a conclusion on the subject of a new national armory?

The dissenting member can see no reason except in the fact which some of his associates were frank enough at the outset to admit, namely, that as to "the '*expediency*' of having two armories, and one of them at 'the west,' there could be no doubt—the only question was one of location."

Again, having thus dwelt upon the species of evidence excluded, or at least not availed of by the committee, it may not be impertinent to remind the House upon what species of evidence their investigations did proceed; and here the dissenting member hopes he is violating none of the usages of the House or of committees in disclosing a fact or two on this point. To go back a little, then: The committee was appointed on the 10th day of July last. In its composition it may not be immaterial to state that seven members were from States which were entitled to put in their claim to this new government benefaction in virtue of their territorial possessions "west of the Alleghanies." Two were from Pennsylvania, one from Ohio, one from Illinois, one from Iowa, one from Michigan, and one from Missouri, while New Jersey and Massachusetts were privileged to maintain the unequal balance.

Now, did the committee thus constituted proceed as though the life of the country depended on their instant action, and the speedy pro-

duction of arms in the "great North-West?" Or was the matter delayed while conflicting local interests could be leisurely reconciled? Let the facts speak. As has been said, the committee was appointed on the 10th of July. Between that time and the 6th of August, the day of adjournment, it held but a solitary session. Congress reassembled December 2d. The committee were not convened till after the holidays. It would seem, then, to be clear that the committee were not hastening with any expectation of producing arms *for the present war*. Early in January it was rumored that delegations were arriving from the "northwest," and that it would be well to hear them. Accordingly meetings of the committee were held, and for several meetings in succession, sometimes *with* and sometimes *without* a quorum, these delegations *addressed* (*not* testified before) the committee through some person nominated as their mouth-piece, most gifted in setting forth the local claims of the delegation.

The dissenting member is constrained to say that the appeals made by these several spokesmen of delegations developed nothing more than had previously been embodied in printed memorials from the several localities whence these delegations came, and which have been lavishly circulated among the committee and members of the House.

Thus the dissenting member has brought to view not only the precise method of conducting the committee's investigations, but the nature and quality of the evidence upon which the majority report must be founded.

In ordinary cases it would, perhaps, be indelicate to allude to what transpired in committee; but in a case like the present, where the committee room had more the appearance of a public assembly than a private conference, all indelicacy ceases.

The undersigned has already said that he regards this question as one purely and simply military in all its legitimate aspects, and should be settled on military authority; not in the shape of an off-hand opinion solicited from a major general, but upon the careful, collated opinions of military experts, given unreservedly before the committee, and sanctioned by the tests of direct and cross-examination. *No such testimony, no such examination—not a solitary witness of this class—has been heard before the committee on the subject of an armory.*

It would take too much time and space to dissect the numerous memorials already referred to, which, from various sections of the "northwest," were laid before the committee, and the substance of which was duly repeated *orally* by the speakers on behalf of the several delegations. Suffice it to say, that these memorials range from four to seventy-five pages each, and have emanated from Pittsburg, Indianapolis, Chicago, Big Beaver Falls, Toledo, Davenport, Alton, &c. Perhaps an extract from the preamble and resolution of the common council of the city of Alton, accompanying their manifesto, illustrates, as well as any of these memorials, the animating principle which has prompted these purely local and sectional appeals. The common council of Alton say: "WHEREAS *Alton* IS THE GREAT NATURAL CENTRE OF THE WEST," &c., * * * * "and

Illinois, from her loyalty and devotion to the Constitution, is fairly, *as a matter of right*, justly entitled to such an establishment, [an armory !] therefore, resolved that the memorial to Congress *prepared by the committee* be adopted," &c.

With this outline of the novel preparation made by the committee for enlightening the House on an important military question, this dissenting member now comes at once to another class of reasons, which seem to him decisive against the majority's project of a new armory:

And, first, it is not pretended that any exigency of the present war is to be relieved by supplies from a new armory. It is the work of at least two years to determine a site, prepare the foundations and building material for heavy rolling-mills, erect the workshops, and equip the whole with the requisite machinery.

Secondly. Nothing but absolute *necessity* should at the present time fasten upon the country the further pecuniary burden of two millions of dollars, which will be exhausted before it is put in full operation. That any such necessity exists it is believed not even the majority will contend. They rest their case, so far as the dissenting member is advised, on what they call the obvious *expediency* of having more than one armory, so that, in no contingency, can the government become suddenly straightened in its supply of arms.

Now it would seem to be an answer to this suggestion that it has been no part of the military policy of first class foreign powers to multiply their public armories, or "arsenals of construction," as they are called. A single establishment, cherished and stimulated by all the patronage of the government, is deemed more efficient than a plurality of feeble establishments under a divided management.

England, with all its extended empire, has but a single government armory for small arms, and that at Enfield, ten miles from London, and but one government foundery, at Woolwich.

Austria, which is constantly on a war footing, has recently abandoned her old sources of supply, and established at Vienna a new and magnificent arsenal of construction, with its outer buildings of such solidity as to constitute a sort of citadel impregnable to assault, and the whole comprising every branch of military manufacture—heavy ordnance, small arms, ammunition, and all military supplies. Colonel Delafield says of it:

"No arsenal in Europe will compare with it in extent; it is doubtless perfect in all respects, according to the conceptions of the Austrian military authorities, who must be considered as capable as those of any other nation on the continent."—(See Delafield's Report on Art of War in Europe.)

In Belgium all the government operations, both the ordnance and small arm manufacture, are concentrated at Liege.

In Prussia, though formerly there were government arsenals of construction at Berlin and Dantsic, yet, now, very little machinery is used in either of them; and Colonel Mordecai says "that of late years the principal manufacturing establishments for material of war have been *concentrated* at Spandau, about nine miles from Berlin."

In Russia the chief arsenal of construction is at St. Petersburg;

though *in the Kremlin* at Moscow, there is an arsenal of deposit merely.

In view, then, of this well-nigh universal policy of the great fighting powers of Europe, *which aims to concentrate as far as possible, in a single locality*, all the operations employed in turning out cannon, small arms, ammunition, as well as every kind of military equipment, where they can be conducted under a single, rigid, military supervision, to contend that *expediency* dictates a different policy under *our* system, is to confess that our general government is *inherently* weak, and ought not to put its trust in the fidelity of any *one* loyal State.

But an inquiry still remaining is, whether the present armory at Springfield is equal to the demand which the government at present, or in the future, may make upon it? And the undersigned is convinced that he but expresses the opinion of every military authority who has ever visited that establishment, when he says its capabilities are unlimited and equal to every emergency. It is unnecessary to eulogize its situation of unsurpassed beauty, or the energy of its operations when summoned to meet a crisis.

Under the dwarfing legislation and stinted patronage of Congress during the last few years, it was yearly becoming more and more apparent to all military men that two armories were *one too many*. The Springfield armory, which was *the* armory that stood higher in the esteem of military men abroad than any other similar establishment in the world, was, in the nicely adjusted meting out of patronage between it and its jealous rival at Harper's Ferry, permitted to take its *exact half* of the annual allowance appropriated by Congress, and no more; though everybody knew that, in all those displays of invention and skill which made our government arms unrivalled at home and abroad, the inventive and operative genius of the Springfield armorers were entitled to the exclusive credit.

From 1856 to the breaking out of the present rebellion, these armories which, with their then equipment, were capable of turning out 40,000 stand of arms a year, were suffered to languish under appropriations which yielded only half that product. Congress alone was responsible for this neglect. The undersigned appeals to the Globe of 1859, 1860, and 1861, to show that on the passage of appropriation bills it was through no fault of his that the House pursued this mistaken policy. But the rebellion broke out, Harper's Ferry became extinct, and what capabilities has the Springfield armory, in the meantime and since, developed? Instead of 10,000 guns a year, it now manufactures more in a single month; and before existing appropriations will have been exhausted it will attain to the production of 20,000 guns per month, or 240,000 per year; and only new appropriations are necessary to expand even this rate of productiveness to an unlimited extent, and far more economically than the same rate can be attained in any other locality.

When Congress withholds appropriations Massachusetts mechanics cannot manufacture arms. Failure of appropriations is the only limitation to the capacity of the Springfield armory which Congress need

fear. So long as it desires the best arms, most expeditiously manufactured, and at the least cost price, it will encourage, by its appropriations, the manufacture *there*. When the period of present danger shall have passed, and Congress shall be seduced into endowing new establishments upon the strength of local or sectional appeals, then the energy and capabilities of the Springfield armory must share the prostration which will inevitably follow a divided patronage.

To demonstrate still further the great injustice of establishing a new rival armory, the undersigned has only to call attention to a single view of the matter. It has already been stated that as soon as the new workshops are brought into operation, the Springfield armory will yield 240,000 guns per year. Now, supposing the present rebellion does not outlast the current year, what will be our condition a year hence?

Our army of 600,000 men are either supplied or under contract to be supplied with arms of the best model, which, unless captured, will be ready for storage in our arsenals at the close of the war. At that very time, it will be borne in mind, Springfield will be manufacturing at the rate of 20,000 muskets per month. Now, what supply do we need on the peace establishment? The majority of the committee, upon what evidence or authority the dissenting member cannot understand, say four millions. No military authority, it is presumed, has ever understandingly said this.

Our standing army will not exceed 25,000 men. And the highest figure at which any Secretary of War, of military education, has placed the normal complement of small arms on the peace establishment is about one million. Secretary Davis, in 1854, in reply to an inquiry from the House, reported this number, with 100,000 pistols and carbines, as an adequate supply, and that it should comprise the following kinds, viz: "For infantry, 700,000 muskets; for light troops, 300,000 rifles; and for mounted troops, 50,000 pistols and 50,000 carbines; and about this number," he says, "should at all times be on hand in our arsenals, armories, and ordnance depots." The rule should be to keep enough, but no more than enough, to meet the exigencies of any sudden outbreak of war or rebellion. The tendency to depreciation of old though unused arms, in consequence of new and constant improvements of model, admonishes against an excessive supply. After the new model musket of 1855 was adopted, it is well known that the government sold for what it could get thousands upon thousands of superseded models.

It thus appears that, should the rebellion be quelled within a year and the volunteer army disbanded, the government will have on hand, within less than a year's potential manufacture, the full normal supply needed for the peace establishment. This being so, it must be obvious to anybody that not only is there no necessity for a *new* armory, but even the *old*, stimulated as it will have been to its highest tension of manufacture, will on the second year have to curtail its production, or it will get in advance of the normal supply. It will be the sheerest extravagance to allow it to go on manufacturing at the rate of 240,000 guns per year. The result will be, a portion

of government workshops must be stopped, and armorers turned out of employ, as has been done on repeated former occasions when the twin rivals at Springfield and Harper's Ferry were getting in advance of the demand. All this is sure to come about, though no new rival is brought into being. Why make the dismantling process still more thorough and severe by erecting this rival establishment, when it is evident that for every new workshop set in motion, "west of the Alleghanies," a corresponding one must be silenced at Springfield?

With this new armory established the undersigned ventures to predict that in five years the armory at Springfield will become reduced to one-half of the efficiency it will have attained at the end of the current year. And if the dissenting member's views are expressed earnestly, let it be charged to the impatient contemplation of this fact.

What, then, is the true military policy for a government which already has an armory that turns out twice as many guns per month as did the famous Austrian arsenal in 1856? Obviously, to cherish and sustain to the utmost that establishment, and not, by creating another, reducing them both to a famishing allowance.

Again, that there should be arsenals of *deposit*, for great and small arms and ordnance stores, established at various important and convenient points, cannot admit of a question. The report of Secretary Davis, in 1854, is explicit upon this point. He says the views of the Ordnance bureau are, "that the stock should be kept up and increased by manufacturing annually more than is requisite for ordinary consumption. With the vast extent of territory occupied by this nation, *its military supplies, to be available in an emergency, must be divided into many portions, and distributed throughout various parts of the country;* otherwise, although there may be in the aggregate more than enough to supply any military force that may be brought into the field at one time, it may happen that there may be no supplies at or near the very point where they are wanted, and none to be had without great delay in transporting them thither. * * * * With its merely nominal regular military force, the strength of this country for warlike purposes consists in its *military arsenals*, filled with the products of the ingenuity and skill of its own artisans."

That one of these arsenals of deposit, with suitable repair shops, could be wisely located on the government's reserve at Rock Island seems highly probable; and yet ordnance officers and engineers should settle the question. Apparently that locality has every advantage over Chicago; the latter city is the point, of all others, where, when a foreign war seems imminent, there is the greatest solicitude for lake and harbor protection. Clearly we should hold out no inducements to aggression by exposing to our enemy's view our public arsenals, armories, and founderies. Common prudence would seem to suggest that these should be located on such navigable streams as readily communicate with tide-water, and yet can only be reached by a long inland march.

Pursuant to the hints thus thrown out, the undersigned will submit a joint resolution, based upon the following propositions, viz:

1. That a national foundery is an immediate necessity, and should be established by a military commission issuing from the War Department.

2. That national arsenals for deposit and repairs will soon become a necessity, and should be established by a commission issuing from the War Department.

3. That no new national armory is to be deemed necessary until the Secretary of War, acting in concurrence with the Ordnance bureau, shall recommend it upon grounds of military necessity or expediency.

CHAS. DELANO.

A joint resolution to accompany the minority report, on the subject of a national armory and foundery.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and hereby is, directed to commission five officers, two from the engineers and three from the ordnance corps, who shall select a suitable site for the establishment of a national foundery for the manufacture of cannon; and that, upon their report to the Secretary of War, he be, and hereby is, authorized to negotiate for the title to said site, and for securing to the United States jurisdiction over the same.

SEC. 2. That there be, and is hereby, appropriated the sum of one million of dollars for the purchase of lands, fixtures, and machinery, necessary for the construction and operation of said foundery.

SEC. 3. That the Secretary of War be, and is hereby, authorized further to commission the said officers, or others from the same service, to inquire into and determine on the expediency of establishing at Rock Island, or elswhere, in the valley of the Mississippi, an arsenal of deposit for the storage of arms, ordnance, and government stores, with a repair shop attached; and that upon their report that the establishment of such an arsenal is necessary or expedient, and as to a proper site for the same to the Secretary of War, the said Secretary be, and is hereby, authorized to negotiate for the transfer of title to and jurisdiction over the same to the United States, (if not already in the United States,) and to make all necessary contracts for the construction of said arsenal.

SEC. 4. That there be, and is hereby, appropriated for the purposes specified in the third section the sum of two hundred thousand dollars.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 44.

IMPEACHMENT OF WEST H. HUMPHREYS, JUDGE OF THE UNITED STATES DISTRICT COURT OF TENNESSEE.

MARCH 4, 1862.—Ordered to be printed, and recommitted to the Committee on the Judiciary.

Mr. BINGHAM, from the Committee on the Judiciary, made the following

REPORT.

The Committee on the Judiciary, to whom was referred by the House a resolution of inquiry into the alleged official misconduct of West H. Humphreys, a judge of the United States district court for the several districts in the State of Tennessee, respectfully report:

That by the letter of the honorable Edward Bates, Attorney General of the United States, of date 25th February, 1862, it appears that West H. Humphreys was commissioned United States district judge for the three districts of the State of Tennessee on the 26th day of March, 1853; that he still holds and has not resigned said commission.

Your committee further report that by the testimony of honorable Horace Maynard, Mr. Trigg, Mr. Lellyett, all citizens of the State of Tennessee, who, by order of the House, were duly examined upon oath before said committee, it is made to appear to the committee that said West H. Humphreys, in a public meeting held in the city of Nashville, in said State, on the 29th December, 1860, in a discussion then and there held, declared in favor of secession, and refused, when interrogated, to declare South Carolina subject to the laws of the United States. It also appears by said testimony that said Humphreys, about that time, published articles in the newspapers at Nashville, in which "he took strong ground in favor of secession."—(See testimony of Mr. Lellyett.)

It further appears, upon said testimony, that said West H. Humphreys has neglected his duties as United States district judge within said State ever since the adoption of the ordinance of secession by the legislature in May, 1861; that he refused to hold his court because he considered the authority of the United States *obsolete* in Tennessee, and that since that time he has officiated as judge for the rebel confederacy in that State, and has held citizens of the United States to answer before him, as such rebel judge, for disloyalty to said rebel confederacy; has advised a citizen so charged and brought before him

to forswear his allegiance to the United States by taking the oath of allegiance to the self-styled "southern confederacy," and upon refusal so to do, said judge has required of such citizen a bond in a large sum, conditioned that he would leave said State, the place of his residence, within forty days, pursuant to an act known as an "alien act," passed by the rebel congress of said confederacy.

It further appears by said testimony that said West H. Humphreys has within said State, as such judge for said southern confederacy, entertained proceedings under the treasonable acts of the congress thereof for the confiscation of the property of loyal citizens of the United States, to the use of said confederacy, and in aid of the rebellion now prosecuted by the same against the United States. The committee, in consequence of the evidence by them collected in virtue of the powers with which they have been invested by the House, and which is hereunto subjoined, recommend the adoption of the following:

Resolved, That West H. Humphreys, judge of the district court of the United States for the several districts of Tennessee, be impeached of high crimes and misdemeanors.

THIRTY-SEVENTH CONGRESS, SECOND SESSION.—CONGRESS OF THE UNITED STATES.

IN THE HOUSE OF REPRESENTATIVES,
January 8, 1862.

On motion of Mr. Maynard, the following was adopted:

Whereas it is alleged that West H. Humphreys, now holding a commission as one of the judges of the district court of the United States, has for nearly twelve months failed to hold the courts for the districts of East, Middle, and West Tennessee, as by law he was required to do, and that he has accepted a judicial commission in hostility to the government of the United States, and is assuming to act under it:

Resolved, That the Committee on the Judiciary inquire into the truth of the said allegations, with power to send for persons and papers, and report from time to time such action as they may deem proper.

ATTORNEY GENERAL'S OFFICE,
February 25, 1862.

SIR: I have received your note of the 24th instant, and, in reply to the questions put to me, would state that West H. Humphreys was commissioned judge of the three districts of Tennessee on the 26th of March, 1853, (that being the date of his confirmation by the Senate.)

I do not think that Judge Humphreys has tendered a resignation

of his office. Such a paper would be filed in this office, but none is here.

Very respectfully, your obedient servant,

EDW. BATES,
Attorney General.

Hon. JOHN A. BINGHAM,
House of Representatives, Congress.

CONNALLY F. TRIGG sworn:

Question by Mr. Bingham. State your age, residence, and profession.

Answer. I am in the fifty-second year of my age; reside in Knoxville, Tennessee, and am a lawyer by profession.

Question. Are you acquainted with West H. Humphreys, United States district judge of the district of Tennessee?

Answer. I am.

Question. State whether any session of the district court of the United States has been held since the act of secession was passed by the State of Tennessee.

Answer. The legislature passed an ordinance of secession, which was submitted to the people.

Question. When?

Answer. I think it was in the month of August.* There has been no United States court held in Tennessee, that I am aware of, since that act of secession. Judge Humphreys has held a court at Knoxville, which was understood to be the district court of the Confederate States.

Question. When was that court held at Knoxville, Tennessee?

Answer. My impression is that the first confederate court was held there in September last.

Question. What judge presided at that court, and acted as judge for the southern Confederate States?

Answer. Judge West H. Humphreys.

Question. State particularly what means you have of knowing that such court was held, and that he so presided.

Answer. Being a practicing lawyer, I was in the habit of attending his courts while he was a United States district judge, but being one of those regarded by the southern confederacy as a "traitor," I refrained from attending the sittings of the confederate court. I purposely avoided entering the court, but I was inside the courthouse two or three times while Judge Humphreys was sitting as a confederate judge. I did not mean to do anything on my part to recognize the legality of the court, or the existence, in any form, of the southern confederacy.

Question. State anything which transpired upon the bench or at

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* *Corrections, by Trigg.*—I think the act of secession was passed about the 1st of May, and submitted to the people for their ratification on the 8th day of June following.

the bar to indicate that they were pretending to administer justice in accordance with the authority of the southern confederacy.

Answer. I remember one instance distinctly. A gentleman of my acquaintance, and a wealthy merchant of Knoxville, was arrested on a warrant issued, as I understand, by Judge Humphreys, of the confederate district court. He was taken before Judge Humphreys for examination upon the charge of being an alien enemy and a dangerous citizen to the southern confederacy. I think I read the warrant, but I cannot now recollect its precise terms. He was a man of northern birth, had resided for many years at Knoxville, Tennessee, and had accumulated a considerable fortune in the mercantile business. I went into the court-house while he was before the judge. Judge Humphreys seemed to be impressing upon him the propriety or the necessity of his taking the oath of allegiance to the southern confederacy.

Question. What did he say?

Answer. I cannot remember the language he used.

Question. Can you remember the substance of what he said?

Answer. I can remember his stating that a short time previous Mr. Dickinson, the gentleman referred to, in conjunction with others, on his way to New York city, visited the encampments of federal troops upon the south side of the Potomac river. While I do not pretend to give the language which was used, I have the distinct impression that Judge Humphreys strongly indicated his enmity towards the United States, and that, in a sort of advisory way, he sought to induce Mr. Dickinson to take the oath of allegiance to the southern confederacy.

Question. Was he on the bench at the time?

Answer. Yes, sir.

Question. State what disposition he made of Mr. Dickinson.

Answer. I was not in court when the case was disposed of, but the fact was notorious, and I so understood from Mr. Dickinson himself, that Judge Humphreys decided that, inasmuch as Mr. Dickinson declined to take the oath of allegiance, he would have to leave the southern confederacy, under an act of the confederate congress, known as the "alien act," and under which the confederate president, by proclamation, gave forty days to alien enemies, within which they were to leave the southern confederacy. The forty days would expire within some five or six days from that decision; at the same time Judge Humphreys required Mr. Dickinson to give bond in the sum of perhaps $20,000 for his good behavior during the time he was preparing to leave. That bond was executed by Mr. Dickinson, and he immediately set about making his arrangements to leave, such as disposing of his property, getting what money he could to defray his expenses, and so on. Within some two or three days, it may have been longer, I understand the judge went into the court-house and voluntarily revoked the order he had made, so that Mr. Dickinson was permitted to remain. He was there when I left.

Question. State whether you were summoned to appear before the court and disclose on oath what claims you held of northern creditors.

Answer. I was summoned at the instance of the receiver under the confiscation act. I do not know that the judge's name was mentioned in the summons, but I was required to appear at Knoxville, Tennessee, on the first day of the succeeding term, which was to be held in the month of November, to answer under oath what claims or property I had in my hands, or within my control, belonging to alien enemies, which were understood to be northern creditors. I did not appear in court, but wrote out a statement, and handed it to the receiver. The court did not meet at the time appointed, and it was postponed to a subsequent day in December. I understood that Judge Humphreys would be there to hold the court, but before that time I left.

Question. State whether on other occasions, and how often, you saw persons under arrest, if at all, and taken to this court, held by Judge Hunphreys, as Union prisoners, to answer for alleged offences against the southern confederacy.

Answer. During the first sitting of the court, in September, after the act of secession was passed, and which continued for three weeks at least, I saw numbers of men, said to be Union prisoners, escorted from the military camps, along the streets, taken into the court-house, between files of soldiers, and appeared before the court then sitting, at which Judge Humphreys was manifestly presiding. I have seen ten and twenty at a time.

Question. State your opportunities of knowing what was going on at the court-house.

Answer. My office was within a hundred yards of the court-house.

Question. State how the proceedings of the court were published in the papers of Knoxville when business was transacted.

Answer. They were generally headed as proceedings of the confederate court.

Question. Have you any of those papers?

Answer. I have not.

Question. At what time did you leave?

Answer. On the night of the 7th of December last. I have not been there since. I have been trying to recollect some expression of the judge going to show that he was acting in the capacity of a judge of the confederate court, but I have not been able to do so. I can state the further fact that a man by the name of Reynolds was understood to be appointed commissioner of the Confederate States by Judge Humphreys. As such commissioner he continued to act up to the time of my leaving, hearing charges against Union men, as a committing magistrate of the confederate government, either committing or holding them to appear at court. I was present when a friend of mine appeared before that commissioner. The only evidence against my friend, upon which the commissioner seemed to found his judgment, was, that he had stated upon the street that he was a *Union* man. The commissioner declared, substantially, that it was criminal for him to make such a declaration, and accordingly required him to give a bond. I became one of his securities to appear at the confederate court, which was to be held in November. That court

failed to sit, and he was re-recognized until December. I again went his security, and concluded soon after that I would not appear myself. I understood that proceedings for confiscation of their property were instituted against loyal citizens of the United States government, but they had not been prosecuted to final judgment when I left.

Question. Was any judge present in the court besides Judge Humphreys?

Answer. None whatever. I have seen no one acting in any judicial capacity, in connexion with the Confederate States, except West H. Humphreys, and this man Reynolds, who was committing officer.

And further this deponent saith not.

CONNALLY F. TRIGG.

JOHN LELLYETT sworn:

Question. State your age and residence.

Answer. I am thirty-five years of age; reside in Nashville, Tenn.; and a merchant.

Question. State whether you know personally West H. Humphreys, United States district judge for the district of Tennessee.

Answer. I have no personal acquaintance with him, but I have known him for some fifteen years.

Question. Was Nashville one of the places for holding the United States district court?

Answer. Yes, sir.

Question. State whether he has held a term of the United States district court at Nashville since the secession of Tennessee.

Answer. I left Nashville on the 31st of July, and know nothing of my own personal observation, since that time. The time for holding the United States court there was about the time of the surrender of Fort Sumter. I was not in court, but it is a notorious fact, and mentioned in the papers, that Judge Humphreys declined to hold any court. I do not recollect exactly the remarks which he made on the occasion, but they were indicative of strong disloyalty to the United States. He declared that the federal government no longer existed or exercised authority in Tennessee. That is my recollection of the substance of his remarks on that occasion.

Question. Were they made from the bench?

Answer. Yes, sir.

Question. Did you hear them?

Answer. No, sir. They were talked about in the city, and gave great offence to the Union men. I do not pretend to state exactly the remarks which he made.

Question. Were you present in court?

Answer. I was not. I only speak of what was noised about the streets.

Question. State whether he has held a court at Nashville any time since, as a judge for the Confederate States.

Answer. I cannot state that of my own knowledge. I do not remember of his having held such a court in Nashville. From what I

have read in the newspapers, or from what I have learned from persons coming from Tennessee since I left, there have not been many prosecutions of Union men about Nashville, but I have information about prosecutions of Union men in eastern Tennessee.

Question. What facts have you, from reliable sources, going to show that Judge Humphreys held courts of the Confederate States in Tennessee?

Answer. I saw, in a paper published at Knoxville, the remarks of Judge Humphreys in regard to Mr. Dickinson being held to bail in the sum of $10,000. I have seen accounts, also, of other men who were brought before the confederate court presided over by Judge Humphreys. I read an extract from the Knoxville *Register*, a strong secession paper, of the proceedings in the case of Dickinson. Judge Humphreys's remarks, in substance, were as they were stated by Colonel Trigg. He took the ground, because of his personal acquaintance with Mr. Dickinson, and because of the high character the latter had maintained, that he would waive his examination if he would take the oath of allegiance to the Confederate States government, which Mr. Dickinson declined to do; and he then required him to give bail for his good behavior during the time he remained there. My understanding is, that his bail was not released when he was allowed to remain there, but Colonel Trigg will know that matter better than myself. I have seen, in the disloyal papers, reports of the proceedings in the case of Mr. Brownlow before Judge Humphreys. Mr. Brownlow was charged with having been disloyal to the southern confederate government. I have also read of proceedings before Judge Humphreys, or under the authority of his court, to confiscate the property of citizens of the United States on account of their disloyalty to the Confederate States government. One rumor says that he was regularly carrying on the proceedings of the confederate court for the confiscation of the property of the Union men. I have understood from Robert Johnson, the son of Senator Andrew Johnson, that the negroes of the latter were taken to Knoxville to be confiscated to the Confederate States government.

Question. What is the age of Judge Humphreys, and how long has he presided upon the bench?

Answer. I suppose he is a man of fifty years of age, but I really do not know how long he has been judge. It is within my recollection that on the 29th of December, 1860, at a public meeting held in Nashville, to consider the condition of the country, there was a turbulent element developed. It was a meeting of all parties. Among the speakers and agitators on the side of revolution was West H. Humphreys.

Question. Did you hear him?

Answer. Yes, sir. There was a discussion between him and ex-Senator Foote. It was a matter of notoriety that Judge Humphreys was a bitter secessionist, and on that occasion ex-Senator Foote appealed to him, as a sworn judge of the United States, whether the laws of the United States did not still extend over South Carolina, notwithstanding her act of secession. Judge Humphreys, however,

would not answer. He was silent on that point. After that I read articles in a paper—I could not swear that he wrote them, but they were published as the writings of West H. Humphreys, in the *Union* and *American*, of Nashville—which took strong ground in favor of secession.

Question. Where is Judge Humphreys's residence?

Answer. In the city of Nashville, or in its vicinity. I will say that I have seen it announced that West H. Humphreys was appointed by Jefferson Davis the confederate district judge for the district of Tennessee.

I wish to substitute the following as a more correct report of my answer to the fourth question:

Answer. I left Nashville on the 31st of July last, and know nothing by personal observation of the proceedings of West H. Humphreys since that time. The time for the holding of one term of the United States court there was about the time of the surrender of Fort Sumter. I was not in court at the time, but it was a matter of public notoriety that Judge Humphreys adjourned the court for that term. I do not remember exactly the remarks he was currently reported to have made on that occasion, but they were indicative of strong disloyalty. He declared, in substance, as reported, that the authority of the federal government was at an end in Tennessee, and it was no longer proper to hold his court under such obsolete authority. Such is my recollection of the substance of his remarks, as reported. I did not intend to be understood as saying that the remarks of Judge Humphreys were reported in the papers.

JOHN LELLYETT.

Hon. HORACE MAYNARD sworn:

Question. State, if you please, whether you know Judge Humphreys, United States district judge of the district of Tennessee, and what you know of his official conduct.

Answer. I have been acquainted with him for many years. He was the official reporter of the supreme court of Tennessee for several years, and his name appears to a series of reports in that connexion. I think he was appointed district judge of the United States in the year 1853, very early in the administration of Mr. Pierce. That is my recollection. We had two terms of the court a year at Knoxville, one in May and the other in November. The last time I recollect to have seen him was in November, 1860, after the presidential election, and shortly before the meeting of Congress. The public mind was beginning to be a good deal excited by the action of South Carolina on the subject of disunion, secession, and kindred topics. I had a conversation with the judge in the court room after the adjournment of the morning session of the court. It was a very long one, but the purport of it, so far as he took part, was that, being an officer of the United States government, and sworn to support the Constitution, he could not intervene actively for the purpose of destroying the government, but he regarded the destruction of the

federal Union as inevitable; as he expressed it, it had gone too far to be under the control of individual action. He stated a great many facts, which he alleged to have knowledge of, in support of that position. At that time one of the badges, indicative of secession sentiments, worn by some persons, was a cockade fastened upon the left breast. I remember of having seen some of the jurors in the court wearing those disunion badges.

Question. Were they visible to the eye of the court?

Answer. Yes, sir; they were obvious, and ostentatiously so. The sympathies and sentiments of the judge were of general notoriety, and I have heard of his expressing them freely in conversation. I only recollect of having but one conversation with him on the subject. His sympathies and influence, so far as he exercised it, were on the side of disunion and the disruption of the federal government. At the May term, 1861, after the time of the action of the State legislature looking to the secession of the State, and when the people were called upon to determine the matter, my recollection is that the judge did not hold his court. I think he did not even come to Knoxville. I think it was publicly announced, through the disunion paper there, that he would not hold the court. I am not certain about that, but my impression is that the court was not held.

Question. Did he hold a court for the Confederate States?

Answer. I left on the first day of August to attend the session of Congress, and I have not been there since. I saw from the papers that he had been appointed district judge of the Confederate States. My impression is, that that was in August. The officer who had been district attorney for the United States for eight years was also appointed district attorney for the Confederate States. I have learned from letters and personal information in various ways that the course and official action of Judge Humphreys are substantially as Mr. Trigg has stated them. I saw a detailed report of a proceeding before Judge Humphreys in the confederate court held at Nashville, where Judge Monroe, formerly the judge of the district court in Kentucky, was represented to have made a declaration as of an alien announcing his intention to become a citizen of the Confederate States. Judge Humphreys was reported to have received the declaration with marks of distinguished approbation, and to have expressed his admiration of Judge Monroe's conduct.

Question. Where was that published?

Answer. In the newspapers of the time printed in that State.

Question. Do you know anything about his taking proceedings against the property of the venerable Judge Catron because of his adherence to his oath to the Constitution of the United States?

Answer. That is reported to be the case. It is a matter of notoriety—a thing of common fame. I saw a statement, professing to come from a reliable source, that property amounting to over a million of dollars had been condemned in the eastern portion of Tennessee.

Question. Was it the property of loyal citizens?

Answer. Not all of it. It was condemned and put in the hands of

Mr. Haynes, as receiver. A part of it was stock in some valuable copper mines in the lower part of East Tennessee, and which was represented to be the property of non-resident owners, and a portion of it the property of the Hon. Andrew Johnson, the senator from that State.

Question. Was it not all put in the name of citizens of the United States?

Answer. I do not know. Andrew Johnson was proceeded against, I presume, not as a citizen of the United States, but as a traitor to the Confederate States.

Question. Is it not a matter of notoriety in Tennessee that there is a statute of the Confederate States providing for the confiscation of the property of citizens of the United States who adhere to the Constitution of the United States?

Answer. I have knowledge that such a law was published.

Question. Is it not a matter of public notoriety?

Answer. It is, I suppose, a matter of public notoriety. I know it was published in the papers.

And further this deponent saith not.

HORACE MAYNARD.

Mr. TRIGG.. Mr. Maynard has spoken of Mr. J. C. Ramsay as having been appointed district attorney for the Confederate States. I know that he attended and officiated in the confederate court in Knoxville, while Judge Humphreys was sitting upon the bench as confederate judge.

CONNALLY F. TRIGG.

FRANCIS M. MCFALL sworn:

Question by Mr. Bingham. State your age and residence.

Answer. I am between 24 and 25 years of age, and reside in Washington county, near Jonesboro', East Tennessee.

Question. State your profession or occupation?

Answer. For the last several years I have been a clerk in the supreme court office of East Tennessee.

Question. Do you know West H. Humphreys, United States district judge for the district of Tennessee?

Answer. I know him, but I am not personally acquainted with him.

Question. State what you know touching his connexion with the present rebellion against the United States.

Answer. When I was in Knoxville, during the latter part of September, 1861, I saw Judge West H. Humphreys presiding in the confederate court which was then being there holden. While I was present the attention of the court was almost wholly occupied with the trial of men charged with disloyalty to the confederate government.

Question. Were they citizens of the United States?

Answer. Yes, sir. Most of the men having been arrested on frivolous charges, and many upon no charges at all, except that they entertained Union sentiments, were released by the court on taking an oath to support the confederate government, or giving bond in good security for their future conduct as good citizens of the confederate government. The oath was administered and the bonds taken by one William C. Kane, a lawyer, but who at that time was acting, as I supposed, as clerk of the court. I did not ask any questions about the matter, however. This was done in presence of Judge Humphreys. He stated to the prisoner, before administering the oath to support the confederate government, that he was not compelled to take it; that he would be released on giving bond with good security for his future loyalty to the confederate government; and that, in the event that he refused to do either, he would be considered as an enemy to the confederate government, and as a dangerous person to the confederacy, and as such must be imprisoned during the war.

Question. Were you present in the confederate court at the transactions to which you refer at Knoxville, East Tennessee?

Answer. Yes, sir. Judge Humphreys presided.

Question. State specifically whether all or any of these persons were charged with any crime or merely with disloyalty to the confederate government.

Answer. Most of them were merely charged with having entertained Union sentiments. Some were charged with having been in arms against the Confederate States. There had been what were called rebellions against the confederate authorities in different portions of East Tennessee, and some of the men engaged in them had been arrested.

Question. Then the charges against these men only consisted of their adherence to the Constitution and Union of the United States, and of taking up arms against the rebellion?

Answer. Yes, sir.

Question. Do you know anything further touching Judge Humphreys's active participation in this rebellion against the United States?

Answer. I believe that I have stated the substance of all I know.

Question. Do you know of his having held a confederate court at any other place than Knoxville, East Tennessee?

Answer. I do not know of my own knowledge, but I have heard that he held a confederate court at Nashville.

Question. Is it a matter of notoriety that he held a confederate court at Nashville?

Answer. It is a matter that is publicly known.

Question. At what time did he hold that court?

Answer. I think he held a confederate court in Nashville in October or November last.

FRANCIS M. McFALL.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 45.

SYLVANUS BURNHAM.

[To accompany bill H. R. No. 327.]

MARCH 5, 1862.—Ordered to be printed.

Mr. SHERMAN, from the Committee on Invalid Pensions, made the following

REPORT.

The Committee on Invalid Pensions, to whom was referred the petition of Sylvanus Burnham, asking for a pension, having had the same under consideration, report:

It appears that petitioner was a private soldier in the Indian war, under General Wayne, for three years, from February 28, 1792, and was honorably discharged. While engaged in the discharge of his duties as such soldier he was injured by the explosion of a canister of powder. By this explosion his face was burned and his eyes nearly ruined. So seriously was his sight impaired that for the last forty years he has been unable to read. He had received no pension, nor even a bounty land warrant, at the date of his application. Your committee are of opinion that he is entitled to relief, and therefore report the accompanying bill, and recommend its passage.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 46.

LOUISA ABERT BYRNE.

[To accompany bill H. R. No. 328.]

MARCH 5, 1862.—Ordered to be printed.

Mr. STEVENS, from the Committee on Invalid Pensions, made the following

REPORT.

The Committee on Invalid Pensions, to whom was referred the petition of Louisa A. Byrne, asking for a pension, having had the same under consideration, report:

It appears that the petitioner is the widow of Bernard M. Byrne, who was a surgeon in the regular army, and who died, of yellow fever, at Fort Moultrie, in 1860, while in the discharge of his duty; that she has three young children, and asks a pension of the government. The certificates are ample to the above facts, and the committee unanimously ask the passage of the accompanying bill.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 47.

JOHN GOULDING.

[To accompany bill H. R. No. 329.]

MARCH 5, 1862.—Ordered to be printed.

Mr. JOHN H. RICE, from the Committee on Patents, made the following

REPORT.

The petitioner, in his memorial, sets forth that he was the inventor of certain machinery, by means whereof great saving is effected in the manufacture of wool and other fibrous substances, and greater perfection attained in the fabrics produced therefrom. That, in the preparation of said machinery and the necessary experiments for completing and bringing the same into use, he expended much money and seven years of the most active period of his life. That, on the fifteenth day of December, A. D. 1826, he obtained letters patent for his invention and machinery for the term of fourteen years.

He further states in his memorial that, after obtaining said letters patent, he made use of all reasonable effort to avail himself beneficially thereof by sales of his rights under said grant, but with only limited and partial success, all the proceeds thereof amounting to the sum of $5,150, of which sum $150 was the result of a compulsory sale of this and other patent rights for the benefit of his creditors, in A. D. 1839, under the insolvent laws of Massachusetts, where he then resided, while he estimates his time and expenditures in bringing his said invention into practical use at the sum of $10,500.

He alleges as reasons why his sales were thus limited, the defects in the statute of 1793, under which the grant was made, and the inadequate protection afforded thereby, and the combinations of capitalists engaged and interested in woollen manufactures, with whom he was forced to contend in extensive and costly litigation, and finally resulting in pecuniary ruin and bankruptcy to himself, and the free use by his opponents and all manufacturers of "an invention which has wrought such a change in the manufacture of wool that where the carding and spinning of one pound formerly cost from twelve to fifteen cents, the same may now be done, and better done, by aid of this machinery, for three cents." The memorialist further says that he intended to procure a renewal and extension of his said letters patent upon the expiration thereof in December, A. D. 1840, and employed one Isaac Thayer as his agent for that purpose, and that he

fully believed himself entitled thereto under the eighteenth section of the act of 1836, which provides a mode of relief for those patentees who have not been adequately remunerated; that in June, 1840, his said agent addressed a letter to Henry L. Ellsworth, esq., then Commissioner of Patents, inquiring when the application for such extension must be made. The Commissioner informed him, in reply, that the application might be made at any time before the patent should expire; that relying upon this statement of the Commissioner, he delayed action until September 23, 1840, when he filed in the office of the Commissioner of Patents, at Washington, his petition and all needful evidence and documents to effect such extension, but that on examination thereof the Commissioner of Patents decided that the application could not be entertained for the reason that it was too late to give the requisite notice before the expiration of the patent; and that being thus misinformed and misled by the Commissioner, he was deprived of the hearing and adjudication provided by the law, and which, he believes, would have resulted in the granting of the extension prayed for.

The committee, upon examination of the evidence adduced by the memorialist, have become satisfied of the truth of the statements and allegations set forth in his petition. That this invention has been and is of great practical value and utility to the productive industry of the country; that it is now in universal and constant use by manufacturers; that it has been of vast benefit to manufacturers and capitalists in affording them greater profits and better investments, and to the people cheaper goods; and that it has in a great degree contributed to our successful competition with foreign manufacturers, by which we now not only "clothe ourselves," but compete for the markets of the world. That the inventor has not received adequate compensation for this great service; that ungenerous and formidable combinations were organized to defeat him of his just rights, and by those to whom he has been a benefactor; that they sent a special agent to Europe to hunt up a "prior inventor," thereby to rob him of his just rights and to barter away the honors rightly due to him and to our country; but that finally, upon the report and recommendation of their own committee, "the manufacturers of New England" were forced to acknowledge the validity of his claims, and to pay to him about the sum of five thousand dollars.

The correspondence at the Patent Office shows that the memorialist's agent, Thayer, wrote to the Commissioner of Patents, June 20, 1840, informing him of his employment, and for what purpose, and inquiring whether the petitioner's interest would be jeopardized by further delay in making his application for extension of his letters patent. June 22, 1840, the Commissioner, in reply, wrote: * * * "the application for renewal may be made at any time before the patent expires." Under this advice Mr. Thayer delayed action until September 23, 1840, when he filed the application and papers at the Patent Office, and on December 14, 1840, deposited in the United States mint at Philadelphia the sum of forty dollars to the credit of the patent fund, being the amount required by law to be paid to procure

such extension, and immediately forwarded a certificate thereof to the Commissioner of Patents. December 16, 1840, the Commissioner addressed the agent, and said: "The law forbids the Commissioner to act in a case where the patent has expired." December 22, 1840, the Commissioner again says: "I regret that it is not in my power to grant every relief to Mr. Goulding," &c.; and in regard to the forty dollars, "It seems hard that neither the Commissioner nor the Secretary of the Treasury can refund the money they cannot use for your benefit; and to remedy this grievance I have submitted a bill to the consideration of the Committee on Patents, who, I trust, will report a satisfactory relief." December 29, 1840, he says in a letter to Mr. Thayer: "I regret you were misled by my letter of June 22, 1840, if that be the case. Inasmuch as all action now by this office would be void, I can only remark that Congress alone can grant re-relief by authorizing Mr. Goulding to apply for renewal, notwithstanding the time has expired."

It may be said that the act of 1836 being a public act every person interested in its execution was bound to take notice of its contents and govern themselves accordingly. This is doubtless true of all public laws in their theoretical and strictly legal construction and application; but when a private citizen, not having ready access to the statute books, applies to a public functionary, whose duty it is to administer a specific law, for instruction as to his rights under it, and the mode of securing them, the committee think that he has a right to correct information for his guidance. In this case the information given was clearly erroneous, and the committee cannot doubt but that for this the petitioner would have presented his application in season to have secured the hearing and adjudication thereon to which he was entitled. What the result would have been we cannot know, nor is it necessary that we express our opinion thereon, and we forbear the expression of any opinion as to what should be the result of a new application if permitted to be made. He clearly had a right to be heard, and it was his intention to avail himself thereof, but was deterred from so doing, until too late, by erroneous information (given without a design to mislead, it is admitted) from an official source.

The committee have no evidence that any action was had upon the bill prepared by the Commissioner for the relief of the memorialist, and it appears that he did not make any further effort for the renewal and extension of his grant until March 21, 1848, when this petition was presented to Congress. This long delay or neglect is one strong argument militating against the application for relief here sought, and under almost any other circumstances would be an insuperable objection to granting the same. The memorialist alleges in excuse and extenuation for this apparent *abandonment* of his claim, extreme poverty and his continued hope that relief would be afforded him by Congress through the efforts of the Commissioner, who was anxious that the *laches* which he had inadvertently caused might be remedied. This plea of *poverty*, "the inventor's birthright," is amply sustained by the evidence. It appears that he has spent the most of his life "in seeking out new inventions," and has discovered this and others

of great value to his country and to the world, but that he has not found the "philosopher's stone" nor received pecuniary reward proportionate to his labors; and that now, at the age of "three score and ten," he is without adequate means for his comfortable passage over the short remainder of his "journey of life."

At the first session of the 30th Congress a bill was reported from the Committee on Patents for the relief of the petitioner, which went to that tomb of blasted hopes, the "Private Calendar," from which there was no resurrection; and since then his memorial has been successively referred to the same committee, January 22, 1850; January 9, 1852; and January 30, 1862, without any action thereon, as we can find, until the present session, owing, undoubtedly, to the fact that the memorialist has not until now (from pecuniary inability, as he alleges,) given the matter his personal attention, or employed an agent to attend to it for him.

From a full examination of the case the committee is satisfied that the memorialist should, even at this late day, have the benefit of the 18th section of the act of 1836, and therefore propose to restore to him the privilege to make application for the extension and renewal of his said letters patent under said section, in the same manner as if he had done so seasonably before the expiration thereof, saving and reserving the rights of all persons who have the said invention in use, and protecting them against all claims therefor; and report a bill accordngly.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 48.

MILO SUTLIFF AND LEVI H. CASE.

[To accompany bill H. R. No. 330.]

MARCH 5, 1862.—Ordered to be printed.

Mr. HALE submitted the following

REPORT.

The Committee of Claims, to whom was referred the petition of Messrs. Sutliff & Case, praying for the remission of the forfeiture of certain wool seized and sold by the collector of Buffalo, belonging to them, and the refunding of certain moneys advanced by them on same, report:

That it appears from the evidence submitted to your committee that the said Sutliff & Case, in the month of January, 1849, contracted with one William A. Clark, of Toronto, Canada West, to deliver to them in Buffalo, free of all charges, fifteen thousand pounds of wool, at the price of twenty-two cents per pound, upon which they paid the sum of twenty-nine hundred and thirty-eight dollars. It also appears that, subsequent to the said contract, in consequence of the embarrassed circumstances of Clark, the said wool was delivered to Sutliff & Case at Queenstown, in Canada, Clark, however, agreeing to ship the wool to Buffalo and pay all expenses, according to the original contract. Instead of shipping the wool to Sutliff & Case direct, it was sent by Clark, or his agent, John A. Gamble, with other wool belonging to him. to Messrs. Coit & Farnham, commission merchants of Buffalo, and invoiced the same at the price of ten cents per pound. The collector at Buffalo, believing the wool to be fraudulently invoiced below its real value, to avoid the duty, caused it to be seized, and it was afterwards condemned and sold, and the proceeds, after paying costs and expenses, amounting to twenty-nine hundred and eighty-six dollars and sixty-seven cents, ($2,986 67,) was duly paid into the treasury of the United States.

The evidence establishes to the entire satisfaction of the committee that Sutliff and Case had no knowledge of the fraudulent entry, had no interest whatever in the payment of the duties, and were free from all blame in the matter. The consequence, if the forfeiture is not released by the government, therefore, will be that innocent parties, chargeable with no crime or neglect, either by themselves or those over whose conduct they had any control, and for whose acts they are

in no wise responsible, will be made to suffer. The injustice of this is so apparent that it requires no labored argument to prove it.

A penalty for a violation of the revenue laws, or any other, ought to be visited upon the guilty parties, including, of course, all who in any way aid or connive in the violation. But there it should terminate; to carry it further so as to punish, with this extreme severity, those who are wholly innocent of any fault or neglect by themselves, or their agents, would be an act of injustice and oppression. It also appears that it has been usual for the government in similar cases to remit the penalty. Your committee therefore recommend that the amount paid by said Sutliff & Case for said wool, being less than the government realized by the sale of same after paying all expenses and duties, be refunded to them, and they submit a bill for that purpose.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 49.

GORDON E. COLE AND CHARLES McILRATH.

MARCH 5, 1862.—Laid on the table, and ordered to be printed.

Mr. CRISFELD, from the Committee on Public Lands, made the following

REPORT.

The Committee on Public Lands, to whom was referred the memorial of Gordon E. Cole and Charles McIlrath, praying to be reimbursed for losses sustained in consequence of the alleged negligence of the government or its agents, report:

That it appears from the memorial that the petitioners, from the 25th of July, 1857, to the 17th of September in the same year, were partners in business, engaged in buying and selling land warrants at Faribault, in the county of Rice, in the then Territory of Minnesota; that within the said period they purchased of Le Huray & Co., brokers, doing business at No. 9 Wall street, New York, eight land warrants, each for one hundred and sixty acres, and paid for the same $1,254 40, which Le Huray & Co. guaranteed to be good; that in the months of August and September in the same year the petitioners sold the same warrants to pre-emptors, and also guaranteed them to be good; that said pre-emptors paid the said warrants into the land office at Faribault, and the same were accepted by the register and receiver at said office without objection, and certificates of location were issued therefor; that said warrants were forwarded in due course of business by said officers to the General Land Office at Washington, where they were retained till October or November, 1859, a period of over two years, without notice from the General Land Office, or from said local officers, of any objection to said warrants; that about the period last named the same warrants were sent back from the General Land Office, as forgeries; and the pre-emptors were required to file other warrants, or pay the purchase money of the land pre-empted, and unless the one or the other was done their pre-emptions would be cancelled and their claims forfeited; that thereupon the petitioners, fearing that said claims would be cancelled, and great loss occasioned thereby to said pre-emptors, procured, at great expense, other warrants, and delivered the same to the officers of the local land office. The petitioners further state, that at the time of their purchase of the said warrants Le Huray &

Co. were solvent and in good credit, and continued to be so for nearly two years, when they failed and became, and still are, insolvent; that by the unreasonable delay of the land office in making known the fraud and returning the said warrants, and the intervening insolvency of that house, the petitioners lost all benefit of their guarantee; that said warrants are forgeries, being part of a larger quantity of warrants stolen from the land office at Washington, after they had been filled up and before they were signed, on which the signature of the commissioner was subsequently counterfeited.

The memorial is not supported by any evidence whatever, beyond its own unsworn statements.

On these facts the memorialists claim to be indemnified by the government, on the ground, first, that the reception of these warrants by its officers, without objection or notice of their fraudulent character, precludes the government from setting up the forgery, and therefore it should bear the loss; and secondly, that the retention of these warrants, as described, was such gross negligence as entitles them to full indemnity from the government.

The committee cannot assent to these propositions, and cannot advise that the prayer of the petitioners should be granted. The receipt of these warrants by the agents of the goverment without objection and in good faith did not estop it from setting up the forgery when discovered. Every person dealing in securities of this description, is liable to his transferee for its genuineness. These warrants have none of the qualities of commercial paper, and it is not averred that they were retained by the government out of the usual course of business; hence it incurred no liability to the pre-emptors by reason of the delay, much less to these petitioners. The government did not deal with these petitioners, and is under no obligation, legal or moral, to them. And if it be true that the government is estoped from setting up the forgery, or if it has been guilty of such negligence as subjects it to the loss, the pre-emptors, being in possession of their land, had a complete remedy at law; and failing to avail themselves of it, these petitioners were no longer liable over to them. These petitioners, upon their own theory, not being liable to the pre-emptors to take back the warrants, the taking of them back was the mere act of a volunteer, which imposed no duty on the government.

But if these views are wrong, the absence of all proofs to sustain the claim is a fatal objection. To allow a claim against the government on the unsupported averments of the claimant himself would be a new and very dangerous precedent.

The committee ask to be discharged from the further consideration of the subject.

NOTE.—Since the foreging report was prepared and adopted by the committee, the petition was referred to the Commissioner of the General Land Office, and his reply, hereto annexed, is submitted as part of this report.

To the honorable the Congress of the United States:

Your memorialists respectfully represent, that from the 25th day of July to the 17th day of August, A. D. 1857, they were partners in business, engaged in buying and selling United States bounty land warrants at Faribault, in the county of Rice and then Territory of Minnesota.

That on said 25th day of July they purchased of Messrs. Le Huray & Co., brokers, doing business at No. 9 Wall street, New York, two land warrants, numbered respectively 80161 and 80163; and on the 10th day of August, 1857, two more land warrants, numbered 80184 and 80186; and on the 17th of said month four more land warrants, numbered 80190, 80192, 80194, 80189; all of the denomination of 160 acres, and paid therefor the sum of twelve hundred and fifty-four dollars and forty cents ($1,254 40.)

That during the said month of August and the month of September following your memorialists sold and disposed of said warrants to pre-emptors, and the same were accepted and received by the register and receiver of the land office at said Faribault, and passed through said local land office without objection, and certificates of location issued therefor, without any notice to your memorialists that the said warrants were bad or defective in any particular.

That said warrants were guarantied by said Le Huray & Co. to your memorialists, and by your memorialists to the parties purchasing them, to be good.

That said warrants were forwarded in due course of business by said local officers to the Land department at Washington, and were received and retained by the officers of the General Land Office, at Washington, for more than two years, to wit, until the month of October or November, 1859, without any notice from said local land officers, or from the General Land Office, to your memorialists, or from said General Land Office to the register and receiver of the local office, that said warrants were bad, defective, or spurious.

That during the month of October, 1859, as your memorialists are informed and believe, said warrants were returned by the General Land Office to the register and receiver of the local office, with a notification from the Commissioner of the General Land Office that the same were "forgeries," and requiring said land officers to notify the pre-emptors to file other warrants or pay the purchase money of the land pre-empted by them, or their pre-emptions would be cancelled and their claims forfeited. Whereupon your memorialists caused their case to be fully represented to the then Commissioner of the General Land Office, and remonstrated and protested against being compelled to sustain the loss occasioned by the negligence of said office, but were informed by him that no power existed in that office to afford them redress.

That thereupon your memorialists, fearing that said claims would be cancelled and a great loss be occasioned thereby to said pre-emptors, by reason of the enhanced value of said claims, and the improvements thereon, procured at great expense and inconvenience other warrants, and delivered the same to the officers of said local land office.

And your memorialists further represent, that for a long period of time to wit, for nearly two years after the purchase of said counterfeit warrants, and until June, 1859, said firm of Le Huray & Co. remained solvent, and in good credit, and doing a large and extensive business, and would, as your memorialists believe, had said warrants been rejected by said local land officers, or had the same been returned by the General Land Office within a reasonable time, have indemnified your memorialists from all loss in the premises, and would have been able to discover the parties from whom they purchased said warrants, and the person or persons who committed said forgeries.

That nearly two years after the purchase of said warrants as aforesaid, and but a few months prior to the time when said warrants were returned by the General Land Office, to wit, in June, 1859, said firm of Le Huray & Co. failed, and then became, and have ever since remained, as your memorialists are informed and believe, utterly and hopelessly insolvent.

That your memorialists have made repeated attempts to procure indemnity and payment from said Le Huray & Co., but without success, and are advised by their attorneys in the city of New York that by reason of the insolvency of said firm further attempts will be useless.

That they are informed by said Le Huray & Co. that they have made ineffectual attempts to discover the party from whom they received said warrants, but are unable to do so.

Your memorialists further represent, that upon receiving information of the forgery aforesaid they made immediate effort, through their attorney in New York, to ascertain the facts in relation to said warrants, and are informed by him as the result of his investigations, and verily believe the fact so to be, that said warrants, the same being of the act of 1847, and purporting to be issued July 16, 23, 24, and 25, 1857, are a part of a larger quantity of warrants—the paper and filling up of which are genuine, but which, after such filling up, and before the signature of George C. Whiting, the then Commissioner, were stolen from the department, and the name of said Commissioner forged.

That they are informed by the officers of the local land office at Faribault, now at St. Peter, and verily believe such to be the case, that they were not notified of such theft and forgery by the department prior to the presentation and receipt of said warrants at said local land office, nor until said warrants were returned to said office in October, 1859.

Your memorialists therefore believe that they have a just and equitable if not a legal claim against the government, for the following reasons:

The rules which govern the dealings between private individuals are equally binding on the government.

1st. Every agent is presumed and is bound to know the signature of his principal. If, therefore, the cashier or teller of a bank receives bills purporting to be issued by the bank, but which are counterfeit, he is bound by his act in so receiving them; and neither he nor his

principal, the bank, can compel the party so paying such bills to take them back and refund the money received for them.

2d. A party by whose negligence a loss occurs should sustain the loss rather than a party guilty of no negligence; and negligence of an agent acting in the business of the principal binds the principal.

To apply these principles: The register and receiver were bound to know the signature of the Commissioner, which is alleged in this instance to be forged, and they act judicially in receiving or rejecting a warrant; having received it, the principles applicable in the case of a bank bill seem applicable.

But again, our loss was sustained by the gross negligence and unwarrantable delay of the General Land Office.

1st. In neglecting to inform the officers of the local offices promptly of such theft and forgery, and instruct them to reject all such warrants; and in so negligently withholding such knowledge and information for more than two years after such theft occurred, and until October, 1859.

2d. In receiving and retaining for two years those warrants with no intimation of their fraudulent character. If they might be retained two years, they might for ten, and the security of parties dealing with the government must depend upon the promptness or caprice of its officers.

Wherefore, your petitioners, believing that they have no redress save by an appeal to your honorable body, respectfully pray that a law may be passed for their relief, either by reimbursement from the public treasury, or that in place of the eight warrants referred to they may be allowed to enter an equivalent amount of public lands which are in market in the State of Minnesota.

And your petitioners will ever pray.

GORDON E. COLE.
CHARLES McILRATH.

Dated St. Paul, Minnesota. November 8, 1861.

GENERAL LAND OFFICE, *March* 3, 1862.

SIR: I have the honor to return herewith the memorial of Gordon E. Cole and Charles McIlrath, respecting the following described *counterfeit* warrants, each for 160 acres, and as being under the act of Congress of 1847, viz:

No. 80161, in favor of Thomas Switzer, father and heir, &c.
No. 80163, in favor of Charles Gramlin, father, &c.
No. 80184, in favor of Samuel H. Benson, father.
No. 80186, in favor of Barnard Ruckman, father.
No. 80189, in favor of Isaac Blake, father.
No. 80190, in favor of George Bogart, father.
No. 80192, in favor of Sarah Tulane, mother.
No. 80194, in favor of John Fabyan, father.

These spurious warrants I find reached this office with returns of local land office operations in the fall of 1857, and in regular order

of business, the voluminous returns and title papers at this office in 1859, were examined with a view to the adjudication of bounty land and pre-emption locations. These papers were then tested by comparing the numbers and names with the Pension Office abstracts of warrants, whereupon it was discovered that whilst there had been warrants issued of the same numbers to other *bona fide* claimants, there never had been any issue of those numbers to the parties above mentioned. Thereupon the certificates were brought by this office direct to the attention of the Commissioner of Pensions, (by whom all warrants are issued,) a copy of whose letter, herewith, dated October 17, 1859, shows he marked each one of them as a "forgery." The papers in question were then sent back, under date 21st October, 1859, to the register at St. Peter, their spurious character then made known to that officer, and new and *bona fide* ones required as substitutes, which were furnished.

The memorial represents that the petitioner purchased these counterfeits in 1857, of a house in New York—took a guarantee that they were good; that the house failed, and alleges that by unaccountable delay at the General Land Office in 1859, the memorialists were unable to recover.

The allegation of undue delay is not supported by our records. The amount of business then on hand was immense, and it appears to have been industriously and progressively acted upon. Had it then been supposed by the office that it was dealing with dishonest claims, these cases might, it is true, have been taken up out of their order, and the fraud thereby the sooner detected; but the common law assumption that every man is to be regarded innocent until the contrary is shown, was doubtless the governing consideration that the business should be disposed of in its regular order. The fact, then, that the fraud was not sooner discovered, and that the parties participant as second or subsequent venders are presumed innocent, may be just ground for the government not interfering in regard to them by prosecution, but it could be no reason, nor furnish any consideration in equity or good conscience why the United States should indemnify the parties on account of a fraud whereby they suffered loss in a risk they had voluntarily undertaken without conference or advice, direct or indirect, with the department.

With great respect, your obedient servant,

J. M. EDMUNDS, *Commissioner.*

Hon. J. W. CRISFIELD,
House of Representatives.

PENSION OFFICE, *October* 17, 1859.

SIR: I return herewith, marked "forgery," on the face of each, the spurious land warrant certificates purporting to have issued from this office under act of 11th February, 1847, mentioned in the subjoined list, which were submitted from your office for examination, under date of the 7th instant:

No. 80161, for 160 acres, Thomas Switzer, father of John H. Switzer, deceased.
No. 80163, for 160 acres, Charles Gramlin, father of Stephen Gramlin, deceased.
No. 80167, for 160 acres, James A. Morris, father of John Morris, deceased.
No. 80184, for 160 acres, Samuel Benson, father of Samuel H. Benson, deceased.
No. 80186, for 160 acres, Barnard Ruckman, father of Arthur Ruckman, deceased.
No. 80189, for 160 acres, Isaac Blake, father of Josiah Blake.
No. 80190, for 160 acres, George Bogart, father of James N. Bogart.
No. 80192, for 160 acres, Sarah Tulane, mother of Julias H. Tulane, deceased.
No. 80194, for 160 acres, John Fabyan, father of Elias Fabyan, deceased.

I am, very respectfully, your obedient servant,

GEO. C. WHITING,
Commissioner.

Hon. SAMUEL A. SMITH,
Commissioner General Land Office.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 50.

EMPLOYMENT OF VOLUNTEERS FOR PROTECTION OF PUBLIC PROPERTY.

[To accompany bill H. R No. 337.]

MARCH 6, 1862.—Ordered to be printed.

Mr. GOODWIN, from the Committee on Invalid Pensions, made the following

REPORT.

The attention of the Committee on Invalid Pensions has been directed by the Pension bureau to the sixth section of the act of July 22, 1861, providing certain *benefits* or pensions for the volunteers received into the service of the United States to aid in suppressing the present rebellion.

The provisions of this section of the act proved so obscure, and are of such doubtful meaning when subjected to the test of practical application, that the bureau has found it necessary to seek an authoritative interpretation of it, or such legislation by Congress as would place its meaning and intent beyond all dispute.

And as the pension laws are in other respects inconsistent and of doubtful meaning, requiring legislation, the latter course has been adopted, and has resulted in the preparation of the following bill, which has been matured after a careful consideration of all the questions involved.

The act of July 22, 1861, made no provision for a pension to those of the three months volunteers who might be disabled in the service; neither did it provide any pension for the relief of the widows and orphans of such as might die or be killed, of any class of soldiers, although Congress undoubtedly intended to make such provision by the words "*who may be wounded or otherwise disabled in the service, shall be entitled to the benefits which have been or may be conferred on persons disabled in the regular service.*"

If such was the purpose, in the adoption of that phraseology, it entirely failed of its object, because the widows and orphans of the soldiers in the regular army are entitled by law to no such benefits. The only benefit that can be secured under this language, even on the broadest and most liberal construction of its terms, is a pension for the disabled among those called into the service under the act of which it makes a part, and a bounty of one hundred dollars to the heirs of such of this class as might die or be killed in the service.

At the *same time, it* leaves the widows and orphans of the dead,

and also the disabled, and the widows and orphans of all soldiers not enlisted under that act, wholly unprovided for. It omitted, besides, one of the most important of all other acts relating to pensions, which is, that the claimant shall show that the disability or death, on account of which a pension is claimed, occurred in the line of duty, as well as in the service of the United States.

All these defects are corrected in the first section of the bill herewith submitted. This section also makes the pensions to widows and orphans specific, and equalizes them between the different grades in the service; while under the sliding scale of rates, heretofore adopted, they were unequal and disproportioned.

It will also be seen that a reduction has been made in the pensions of the widows and orphans of the higher grades of officers, while those of privates have been slightly increased, probably making little difference in the aggregate of pensions to this class of persons, but rendering them more equitable and just.

The Pension Office was laboring under another difficulty. The officers of the rank of captain and upward, under the act of April 10. 1806, now in force, are entitled to a pension of half their legal pay, at the time the injury disabling them is received. In 1857 the pay of all commissioned officers was increased twenty dollars per month. Previous to September last past, commissioned officers had been pensioned at the same rates as before the increase of pay. But about this time the question was raised whether their pensions should not be reckoned on their increased pay, instead of the old rates. On this point a difference of opinion was found to exist among legal gentlemen, as well as among those charged with the administration of the law.

The consequence was the suspension of all action in cases of officers' pensions of the rank of captain and upwards, until the question could be authoritatively determined. The second section of the annexed bill settles this matter by making the pensions of officers of the grade of captain and upward specific, as those of officers below that grade. and also non-commissioned officers, musicians, and privates, have been for many years past; for, by the act of April 24, 1816, the pensions of the lower grade of officers, and also of privates, were made specific and at the same rates as in the bill annexed.

Your committee, on examination, found that no provision was made in the existing laws for pensions for the widows and orphans of the officers and soldiers of the regular army who might die or be killed in the service and in the line of duty.

This, it seems to the committee, is an unjust discrimination against this class of persons; for no good reason can be assigned why the regulars should not be put on the same footing, in this respect, as the volunteers.

The third section of the accompanying bill is an embodiment of the views of the committee in this respect, giving to widows and orphans of the regulars the same pensions as to those of the volunteers.

With this brief explanation and statement of the facts, the annexed bill is submitted, with a recommendation by the committee that it pass.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 51.

JOHN DENMAN AND GEORGE TOWNLEY—HEIRS OF.

[To accompany bill H. R. No. 339.]

MARCH 6, 1862.—Ordered to be printed.

Mr. GRIDER, from the Committee on Revolutionary Claims, made the following

REPORT.

The Committee on Revolutionary Claims, to whom were referred the petition and papers in the case of Daniel N. Denman and Enos B. Townley, heirs and administrators of John Denman and Geo. Townley, deceased, have had the same under consideration and report:

That they have very carefully investigated the claim, which is founded on an *original* certificate given by Azariah Dunham, a commissary of purchases, to John Denman and George Townley, dated Morristown, March 27, 1780, for twenty-four thousand two hundred and sixty-two pounds seventeen shillings and six pence, (£24,262 17*s*. 6*d*.,) New Jersey currency, for the use of the continental army.

The genuineness of the certificate is fully established by several highly credible witnesses, under oath, who were perfectly familiar with the handwriting of its author, and his position as a public officer in the commissary department, among whom is Gabriel H. Ford, an eminent lawyer, and many years judge of the supreme court of the State of New Jersey. It is also proved by the records of the State Department that said Azariah Dunham was at that time a commissary of purchases for the continental army.

It is also satisfactorily proven to the committee that the owners of this certificate were not dilatory in making application for its payment; but that as early as 1794 they procured the aid of the Hon. Abraham Clarke, then a member of Congress, to assist them in obtaining the money for said certificate, and were then informed that it was barred by statute of limitation, and so it remained until they learned that Congress, in special cases, had removed the statute, when, in 1828, it was again presented to the attention of that body, both parties having in the meantime died much embarrassed in their circumstances, as was then believed, in consequence of the failure of the government to pay the amount due them. It is a well known historical fact that at the close of the revolution the finances of the

government were in such a condition as to render it extremely desirable that its creditors should not press their demands for payment, and many, from motives of patriotism, allowed their claims to remain unsettled, and others, from ignorance of business, until barred by statutes of limitation. Your committee are fully satisfied, by the high character and abundance of testimony in the case, that the certificate remains unpaid, and that the claimants are, in justice and equity, entitled to interest on the same, and that Congress, by a resolution of June 4, 1784, agreed to pay interest on all such demands; but your committee have unanimously agreed to report for the principal only, which is to be in full satisfaction of all claim upon the surrender of the certificate to the treasury.

"MORRISTOWN, *March* 27, 1780.

"I certify that the United States are indebted to John Denman and George Townley, for cattle purchased for the use of the army, twenty-four thousand two hundred and sixty-two pounds seventeen shillings and six pence.

"In behalf of—

"AZARIAH DUNHAM.
"A. FORMAN."

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 52.

CAPTAIN JOHN MOUNTJOY—HEIRS OF.

[To accompany bill H. R. No. 340.]

MARCH 6, 1862.—Ordered to be printed.

Mr. GRIDER, from the Committee on Revolutionary Claims, made the following

REPORT.

The Committee on Revolutionary Claims, to whom was referred the memorial of Elizabeth Grigg and others, heirs of John Mountjoy, deceased, report:

That it is fully established, by record and other testimony of the most conclusive and satisfactory character, that the said John Mountjoy served in the continental line of Virginia during the revolutionary war for the period of six years and ten months, and until the actual termination of that war.

That the State of Virginia, in whose immediate service he was engaged, fully recognized the validity of his claim to the lands promised by that State to those who had thus performed this amount of military service. A similar recognition of the facts appears to have been made by the proper authorities of the United States.

The evidence in support of the claim is, therefore, of the highest and most conclusive character.

The claim now presented is for the pecuniary compensation stipulated to be paid by the United States for the services thus proved to have been rendered, and the actual performance of which has thus been distinctly established and solemnly recognized by the State and federal authority.

Your committee are clearly of opinion that the legal right is as distinctly established as the facts upon which it rests.

On the 21st of October, 1780, at one of the most critical periods of the war of independence, Congress passed a resolution "that the officers who shall continue in service to the end of the war shall be entitled to half pay during life, to commence from the time of their reduction."

On the 22d of March, 1787, by another resolution of Congress it was provided that the officers then in service, and who should continue therein to the end of the war, shall be entitled to receive the amount of five year's full pay in money or securities on interest at

six per cent. per annum, as Congress shall find most convenient, instead of the half pay promised for life by the resolution of the 21st of October, 1780.

The inducements held out to officers to continue in the military service of the country at periods of great danger, imposed an obligation upon the nation of the highest and most solemn character, and the benefits which resulted from these enactments constitute a part of our history. General Washington, than whom no one was more competent to appreciate the services of our gallant and patriotic army and the obligation which the country incurred, has expressed himself in language which no loyal American ought to forget or disregard. He says: "I am pleading the cause of an army which has done and suffered more than any other army ever did in defence of the rights and liberties of human nature." "The provision of half pay for life, as promised by the resolves of Congress, was a reasonable compensation offered by Congress, at a time when they had nothing else to give to the officers of the army for services then to be performed; was the price of their blood and your independence, and as a debt of honor it can never be cancelled until it be fairly discharged." In this language the committee most heartily concurs.

It appears that, under the resolution of Congress of 1780, as above quoted, Captain Mountjoy was justly entitled to half pay for life from the date of the disbandment of the army in 1783 to the period of his death, which occurred in 1826. That by the regulation of March, 1783, an option was given to commute this half pay to five years' full pay. No such right of option having been exercised, the right conferred by the first resolution remains in full force. That no payment under either having been made either to Mountjoy himself, during his lifetime, or to his representatives since his death, the entire obligation of the United States remains undischarged: that the memorialists are the lawful heirs and representatives of the said Captain John Mountjoy, and, as such, are entitled to receive the amount which was due him.

Your committee therefore append to this report a bill to carry into effect the views above expressed.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 53.

PRINTING PATENT OFFICE REPORT FOR 1860.

MARCH 6, 1862.—Laid on the table, and ordered to be printed.

Mr. E. P. WALTON, from the Committee on Printing, on the part of the House, made the following

REPORT.

The Committee on Printing, to whom was referred so much of the report of the Superintendent of Public Printing as relates to the destruction by fire of the sheets of the second volume of the Patent Office report, mechanical department, for 1860, *and who were instructed to report, as early as practicable, the cost of printing another edition of the volume destroyed, have considered the subject, and now report:*

That forty thousand copies of the mechanical report for 1860 were ordered to be printed for the use of the House and of the Commissioner of Patents; that 543 copies of the first volume and the entire edition of the second volume were destroyed by fire while the sheets were in the possession of the binders. Of the first volume 39,457 copies were preserved, and are ready for distribution. The same number of the second volume (containing all the plates used for illustrating the descriptions of patents contained in the first volume) are required to make complete sets of the report. The Superintendent of Printing has estimated the cost of supplying 39,457 copies of the second volume as follows:

Printing	$13,090 00
Binding, if done at the government bindery	3,011 72
Binding, if done by contractors for the 36th Congress	4,251 84

The binders of the 36th Congress were entitled, by their contract, to the binding of this report. They did bind the first volume, and they now have a part of the cases (covers) prepared for the second volume. They have lost the binding of the latter by fire, but it appears that this loss is primarily chargeable to the government. The public printing office and bindery were purchased subject to a lease of the bindery to these contractors, the lease running to the 1st of April next. For the convenience of the government, and at the request of the Superintendent of Public Printing, the contractors consented to remove their bindery, and they did remove it, into the

building which was shortly thereafter destroyed by fire. If the second volume is to be reprinted, the binding should be given to these contractors, and the estimated expense of reprinting and rebinding the second volume is $17,341 84.

Since 1853, the annual reports from the Patent Office on arts and manufactures have embraced descriptions of articles patented and drawings illustrative of the descriptions; and if this plan is to be continued, the committee will certainly recommend the reprinting of the drawings for 1860, so as to preserve the series of reports unbroken. But this plan has, in fact, been abandoned. The Commissioner has communicated neither descriptions nor drawings. His report for 1861 consists of a statement of the business of the office for the year, with mere lists of patents granted and patents expired. The first volume of the report for 1860, which is now ready for distribution, contains all the matter embraced in the report for 1861, and in addition to that the descriptions of patents granted. If it is not expedient or necessary to print the descriptions and drawings for 1861, we can see no good reason for printing the drawings for 1860, unless it be that the latter can be printed for about $17,000, while the former would cost probably double that amount.

By the 14th section of the act of March 2, 1861, in addition to "An act to promote the progress of the useful arts," the Commissioner of Patents was authorized to print "*ten* copies of the description and claims of all patents which may be hereafter granted, and *ten* copies of the drawings of the same, when drawings shall accompany the patents," and it seems that for 1861 these *ten* copies only have been printed. The Commissioner recommends that hereafter *one thousand* copies of descriptions, claims, and drawings may be provided for, to be distributed to public libraries, and used for exchange with foreign governments. That proposition remains for the action of Congress, and until the question shall be settled the committee deem it inexpedient to order the reprinting of the second volume (drawings only) of the report for 1860. For the purpose of presenting a question for the action of the House, the committee submit the accompanying resolution:

Resolved, That the Committee on Printing be discharged from further consideration of so much of the report of the Superintendent of Public Printing as relates to sheets of the mechanical report of the Patent Office for 1860, which have been destroyed by fire.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 54.

GEORGE B. SIMPSON.

[To accompany bill H. R. No. 345.]

MARCH 7, 1862.—Ordered to be printed.

Mr. NOBLE, from the Committee on Patents, made the following

REPORT.

The Committee on Patents, to whom was referred the petition of George B. Simpson, praying the passage of a law to authorize a rehearing of his application before the Commissioner of Patents, asking letters patent of the United States for insulating telegraph wires with gutta-percha, and denominated by him "a submarine telegraph cable," report:

That soon after the first magnetic telegraph was put into practical operation between this city and the city of Baltimore, by Professor Samuel F. B. Morse and others, about the year 1840, an obstacle almost insuperable was discovered to exist to its practical working. This obstacle was *water.*

It interposed as a medium for conducting electricity from the telegraph wire, wherever a connexion should be established by it, between the wire and other substances; and ELECTRICITY, *that motive power of organic forms*, following the instinctive fiat of its being, sought the shortest distance to attain equilibrium, and thus passed from the wire to more inviting forms whenever connected by *water* with those forms.

This proved an interference so embarrassing to the friends of the great enterprise that they were induced to make liberal offers, through the public press, to any one who should discover a successful insulator of the telegraph wire.

Being of an inventive turn of mind, and a great student and lover of nature, Mr. Simpson undertook the task, firmly believing he could accomplish it.

He read books upon the subject, compounded substances, and experimented for *seven years;* and finally, on the 22d day of November, 1847, in the city of Cincinnati, and State of Ohio, he deduced, from long continued and persevering research, the result of that, which he now claims, *discovery and invention.*

Elated with the idea of final success in the attainment of the object of his research and experiments, on Monday following, the 23d day of November, 1847, he addressed a letter of inquiry to the Hon. Amos Kendall, at Washington city.

On the 4th day of December, 1847, he made affidavit to the foregoing facts before the mayor of the city of Cincinnati, to which affidavit he, the mayor, attached his signature and official seal.

On the 7th day of December, 1847, he called on Messrs. Amos Kendall and F. O. J. Smith, at the Pearl Street House, (having been informed of their intended arrival by letter from one of them,) and made full explanations of his invention.

During the month of December, 1847, he made a complete model, from which accurate drawings and specifications were made, *claiming the combination and arrangement of the gums and glass around the wire in such form as to secure the controlling power of that mysterious agent, electricity.*

This model, drawings, and specifications were forwarded by mail to the Commissioner of Patents, at Washington city, receipt of which was acknowledged by him on the 1st day of February, 1848.

During the month of February, 1848, he succeeded in obtaining a small quantity of gutta-percha gum, with which he made various experiments, one of which was the dissolving of the gum in chloroform reducing it to the consistency of copal varnish; after which, by means of a small brush, he spread it on India-rubber surfaces. Another was the insulation of the telegraph wire with it in the following manner, to wit: by placing the gutta-percha in boiling water he reduced it to the consistency of soft putty, and in this plastic state he spun it out into thin and ribbon-like strips, and as he spun it out he wound it continuously around the wire from end to end, thus effectually covering and insulating the telegrah wire with gutta-percha.

This invention he denominated "*a submarine telegraph cable.*"

Previous and subsequent to this period pecuniary embarrassments, the birthright of most inventors, not only followed, but preceded him in his daily toils. To use his own language, "they met him at every turn; they harassed him by day and by night; they sat a companion at his midnight lamp, and accompanied him in his walks at earliest dawn; they appeared not only to be with him, but to be a part of him, until their presence wearied his mind, and their stature threw a shadow over his brightest hopes."

In the winter of 1848 and 1849, aided by Horace H. Day, of New York, he executed a new model, new drawings, and new specifications, all of which were filed in the Patent Office on the 2d of April, 1849, and in May following the patent fee, thirty dollars, was paid. This completed his application.

In September following the case came up for examination in the office, and after a brief correspondence, the Commissioner rejected his claim upon the alleged ground "*that the insulating property of gutta-percha being known, its use to protect wires, &c., was not a patentable invention.*"

Through this plain and palpable error, thus committed against him by the Commissioner, he became disgusted, and having no means to contend with the government, whose agents seemed to him to exhaust every means to defeat the attainment of what he deemed a

just claim, he rested the case until he should acquire the necessary funds to prosecute his claim to a more successful termination.

Thus it remained till the 1st day of January, 1851, when he withdrew the return fee, twenty dollars, under the solemn protest "*that the invention belonged to him as justly as did the inherent principle of life, thought, or action.*"

In 1852 Mr. Simpson went to Oregon and California for the purpose of more readily acquiring the means wherewith to prosecute his claim, determined never to yield his right as long as life should last.

Having obtained what he believed to be a sufficiency he returned, and in 1858 renewed his original application for a patent for "*a submarine telegraph cable.*" This claim is in the following words: "*What I claim and desire to secure by letters patent of the United States is the combination of gutta-percha and metallic wire in such form as to incase a wire or wires, or other conductors of electricity, within the non-conducting substance gutta-percha.*"

During the examination of this renewal application the Commissioner acknowledged that the rejection of the first original application was made on "*insufficient grounds,*" and affirmed that the "*invention ought to have been patented in* 1849; *but that the office is bound to reject it now on the ground of abandonment to the public.*"

It is not only the decision of the courts, but it is now the rule and practice of the Patent Office, that the withdrawal of the return fee is *not an abandonment of a claim.*

The act of 1839, section 7, provides "that every person or corporation who has, or shall have, purchased or constructed any newly invented machine, manufacture, or composition of matter *prior* to the application by the inventor or discoverer for a patent shall be held to possess the right to use and vend to others to be used the specific machine, manufacture, or composition of matter, so made or purchased, without liability therefor to the inventor or any other person interested in such invention; and no patent shall be held to be invalid by reason of such purchase, sale, or use *prior* to the application for a patent as aforesaid, except on PROOF of abandonment of such invention to the public, or that such purchase, sale, or *prior* use has been for more than two years *prior* to such application for a patent."

What shall constitute an abandonment is not defined by the statute, nor have we been able to learn that it has been very well settled by judicial decision. We are clear, however, that within the spirit and meaning of this law *there must be some act or neglect sufficient to denote a purpose* or *intent*, on the part of the inventor, *to surrender or relinquish* to the public use whatever right he has in the invention before any tribunal would be warranted in finding such *abandonment.* It is not pretended by any one that Mr. Simpson has manifested any such *purpose* or *intent*, unless the length of time of his delay amounts to such neglect. When, however, we consider that he did make his effort and expended all the means he had, and the case was decided against him, not on the ground of neglect or abandonment, but upon the erroneous grounds that his invention was not patentable; and

that he then and ever afterwards declared his purpose to prosecute his claim further as soon as he could raise the necessary means for that purpose; and that all he did from that time forth was consistent with his declared purpose that he never would yield his right, we think no one will say there was any abandonment in the premises.

That Mr. Simpson is the original inventor there is now no question. That he spent the best years of his life in the efforts made by him which resulted in the discovery, we are fully satisfied.

There is not, and never has been, any conflict of claim between him and any other person.

His invention is highly useful and important, yet no patent has ever been granted therefor either to him or any other person. Like the discovery of the other means of applying electricity to the use of man, this, too, belongs to the science and genius of America. It is therefore but justice to the government itself, as well as to one of its worthy citizens and to science, that this right should be secured to him, and the record of this discovery be thus perpetuated among the archives of the nation.

We therefore recommend the passage of the bill herewith reported for his relief.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 55.

EUNICE COBB, WIDOW OF SURRANUS COBB, DECEASED.

MARCH 7, 1862.—Read twice, committed to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

Mr. HARRISON, from the Committee on Invalid Pensions, made the following

REPORT.

The Committee on Invalid Pensions, to whom was referred the petition of Eunice Cobb, widow of Surranus Cobb, deceased, make the following report:

From the petition and evidence in this case it appears that Surranus Cobb, late of Essex county, New York, was a private in Captain Danforth's company, 30th regiment United States infantry, in the war of 1812; that he enlisted for one year on the 20th of April, 1813, and served until the 23d of May, 1814, when he was honorably discharged. It also appears that in March, 1814, while on a march from Windmill Point, on Lake Champlain, to the town of Champlain, he fell on the ice, which was covered with water. The petitioner claims that by this fall the decedent was seriously injured, and that his death resulted from diseases caused by the injury. She therefore asks a pension, to commence on the 15th day of October, 1857, the day on which decedent departed this life, and to continue during her life.

The decedent was placed on the roll of invalid pensioners of the United States at four dollars per month, commencing on the 1st of January, 1846, and received a pension at that rate until his death.

Your committee are of the opinion that the decedent's death did not result from the cause alleged, but that he died from old age. They therefore recommend that the prayer of the petitioner be not granted.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 56.

A. H. JONES AND H. M. C. BROWN.

[To accompany bill H. R. No. 349.]

MARCH 11, 1862.—Ordered to be printed.

Mr. EDWARDS, from the Committee on Indian Affairs, made the following

REPORT.

The Committee on Indian Affairs, to whom was referred the memorial of A. H. Jones and H. M. C. Brown, having fully considered the same, submit the following report:

The memorialists ask to be repaid the sum of thirty-one hundred and forty-five dollars and eighty-three cents for that amount deducted from money due them from the government and paid to one Daniel G. Major, for services as an astronomer, and also to be indemnified for losses sustained by them as surveyors while running certain boundary lines for the government provided for in treaties between the United States and the Choctaw and Chickasaw Indians, and between the United States and the Creeks and Seminoles, under contract with the Indian department, on account of a failure on the part of the government to establish certain meridians, necessarily precedent to the running of said lines, within the time specified in said contract, and to furnish protection from the Indians in the neighborhood of the work.

In support of said claims they have established the following facts:

That on the thirteenth day of October, 1857, a contract in writing was made and executed between them, the memorialists, on the one part, and Charles E. Mix, Acting Commissioner of Indian Affairs, in behalf of the United States, on the other part, by which the said memorialists undertook and agreed as follows:

"That they, the said Jones and Brown, in their own proper persons, with the assistance of such chainmen, axemen, flag-bearers, and other persons as may be necessary, agreeably with the laws of the United States, with such instructions as they may receive from the Commissioner of Indian Affairs, will faithfully survey and mark, in the manner hereafter described in special instructions, hereto annexed and part of this agreement, the following boundary lines, to wit: The eastern and western boundary of the tract of country described in the first article of the treaty between the United States and the Choctaw and Chickasaw Indians, concluded June 22, 1855, and the western

boundary of the Chickasaw district, as described in the second article of said treaty. Also the line described in the first article of the treaty between the United States and the Creeks and Seminoles, concluded August 7, 1856, as follows: 'Beginning on the Canadian river a few miles east of the ninety-seventh parallel of west longitude, where Octhi-uppo, or Pond creek, empties into the same; thence due north to the north fall of the Canadian; also to complete the survey and marking, in the manner aforesaid, of the northern and western boundary of the Creek country, from the point on the north fork of the Canadian,' to which point it was surveyed and marked by Lieutenant J. C. Woodruff, United States topographical engineer, under instructions from the War Department, and reported on by him to Colonel J. T. Abert, chief of the corps of topographical engineers, United States army, September 1, 1851, a copy of which is hereto attached; and that they, the said Jones and Brown, will complete these surveys in the manner described in said special instructions, and return the true and original field notes thereof to the office of the said Commissioner of Indian Affairs on or before the first day of March, 1859, (acts of God excepted,) on penalty of forfeiture and payment to the United States of the sum mentioned in the annexed bond if default be made on any of the herein, expressed conditions. And the said Charles E. Mix, in his capacity as aforesaid, agreed as follows:

"That, on the completion of the surveys above named in the manner aforesaid, there shall be paid to the said Jones and Brown by the Treasury Department, when the receipt of their account at the office of the Commissioner of Indian Affairs, properly sworn to and certified, as hereafter described, accompanied by correct and certified plats of the surveys for which the account is rendered, as a full compensation for the whole expense of surveying and making return thereof, eighty dollars per mile for every mile and part of a mile actually run and marked in the field, random lines and offsets not included; and for every mile and part of a mile exceeding four hundred and fifty miles the said Charles E. Mix, in his capacity aforesaid, reserves to himself the discretion of paying for such excess at such rates per mile as he may deem proper."

And it was further stipulated and agreed by said parties in and by said contract as follows:

"And it is further understood and agreed between the parties to this agreement that an astronomer shall be appointed by said Charles E. Mix, in his capacity aforsaid, and his salary, at the rate of twenty-five hundred dollars per annum, be paid by the said Charles E. Mix out of whatever moneys may be due the said Jones and Brown for the services herein agreed upon, upon conditions herein expressed; but all other expenses incidental to the performance of the duties required of him, the said astronomer, in the field, to be paid by said Jones and Brown; and the said astronomer shall be held responsible to the United States for the determination of such astronomical points as may be necessary to fulfil the conditions of this agreement; said astronomer shall therefore be allowed ample time and facilities for fixing said astronomical point, viz: the 100th and 98th meridians, to his entire

satisfaction, provided not more than six months be exceeded. And said astronomer shall further be considered, and is hereby authorized, on the part of the United States, to act as examiner and inspector of all surveys while in progress in the field or after completion thereof; for which service the said astronomer shall be paid an additional compensation of five hundred dollars per annum by said Charles E. Mix, in his capacity aforesaid, out of moneys of the United States appropriated for the boundaries above mentioned; and that no payment shall be made for any surveys not examined and inspected and reported to the Commissioner of Indian Affairs to be correctly run and marked, according to this agreement and said special instructions hereto annexed, as a part of this agreement as aforesaid."

That immediately on the execution of the contract they made preparation, and repaired to the country where the surveys were to be made, and commenced said surveys on the twenty-first of January, 1858, and completed them on the third of July, 1859. That they made due return of their doings to the government, and the same were accepted as satisfactory, and payment made by the government according to the interpretation of the contract by the department, and accepted by the said memorialists under protest, reserving their claims for further allowances as hereinbefore stated.

That at the time they entered into the contract the United States had a military force in the neighborhood where the work was to be performed, and the Indians were quiet and peaceful.

That soon after they commenced their surveys the troops were ordered to Utah, and the memorialists deprived of the protection of which they had been assured.

That during the progress of the work the Indians became so hostile and menacing that the work was greatly delayed and interrupted, and so much so that when they had concluded their surveys under the Choctaw and Chickasaw treaty the country in which they were to erect their observatory, and establish the one hundredth meridian preparatory to running the lines under the treaty with the Creeks and Seminoles, was in the possession of the then excited and hostile Comanches, under the command of Buffalo Hump, and that the laboring and defensive force of their party refused on that account to proceed to that work, and left them, and they were obliged to supply a new force at increased expense and delay, and to await military escort.

That the astronomer was delayed by the same cause in fixing the one hundredth meridian at the time contemplated in the contract, and as he otherwise would have been enabled to do, so that instead of establishing it early in the fall of 1858, he did not establish it until March, 1859, and that the completion of the last-mentioned lines was thus necessarily delayed, and they were not finished until the third of July, 1859, as before stated.

The memorialists, upon these facts, urged in support of their claims that if the meridians had been fixed by the astronomer by the time stipulated in the contract, they would have been exonerated from payment of his salary beyond that time, and would also have been able to have completed the work of surveying in November, 1858, and

Dover and the Bank of Smyrna, to provide clothing and rations for the companies until they could be mustered into the United States service. Bonds were executed to those banks by several individuals, all of whom had contributed money for the recruiting of the companies. Those bonds are unpaid, and Congress is now asked to provide for their payment that the individuals may be relieved. It is believed that, if the sums asked for shall be paid, (being about $1,400 to each company,) it would be a small sum for the raising and equipping a company.

The committee therefore report back bill No. 321, with a recommendation that it do pass.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 58.

SLAVERY IN THE DISTRICT OF COLUMBIA.

[To accompany bill H. R. 351.]

MARCH 12, 1862.—Ordered to be printed.

Mr. CALVERT, from the Committee for the District of Columbia, made the following

MINORITY REPORT.

The undersigned, members of the Committee for the District of Columbia, beg leave to make the following minority report against the passage of the bill reported from the majority of that committee for the abolition of slavery in the District of Columbia:

This proposition has been so frequently rejected by Congress, and has been so thoroughly discussed by the ablest statesmen of the nation, that it would be a useless task for us to attempt to offer any new considerations of the subject, and we therefore adopt, in place of any argument of our own, the following portion of the very able report made to the House of Representatives on the 18th day of May, 1836, by a select committee composed of Messrs. Pinckney of South Carolina, Hamer of Ohio, Pierce of New Hampshire, Hardin of Kentucky, Jarvis of Maine, Owens of Georgia, Muhlenberg of Pennsylvania, Dromgoole of Virginia, and Turrele of New York.

Your committee are instructed to report—

That, in the opinion of this House, Congress ought not to interfere in any way with slavery in the District of Columbia.

1st. Because it would be a violation of the public faith.

To obey this instruction of the House, in the manner pointed out by the resolution, it will be necessary to examine, to some extent, the relations between the federal government and the District of Columbia; the probable objects of the provision in the Constitution, authorizing the cession of the District to the United States; and the consequent expectations which may have been rationally entertained by the States that made the cession as to the exercise by Congress of the powers granted to it over the ceded territory. Before entering upon this examination, however, it may be well to remark that the powers of Congress over this District involved in this discussion are wholly independent of, and derived from a source entirely sepa-

rate from the general legislative powers granted to Congress by the Constitution. As the legislature of confederated States, the powers of Congress are equal and of universal application throughout all the States, and they were given to Congress before the cession of the District, and were held and exercised independently thereof. This will be made manifest by a brief statement of facts. The first Congress, under the Constitution, assembled on the 4th of March, 1789, and the government provided for by the Constitution was organized on that day. The general powers conferred on the different branches of the federal government were exercised from that day forward: and the Union of the States, under constitutional government, was then perfected and put in practical operation. The cession from Virginia of that portion of the District of Columbia that belonged to her was not made until the 3d of December of that year, nine months after the federal government had been in operation;* and the cession by Maryland of that portion of the District that belonged to her (and in which the seat of government is in fact located) was not made until the 19th day of December, 1791,† more than two years and nine months after the existence of the government in its present constitutional form. Congress did not, in fact, remove to the District thus ceded, nor did the District thus ceded become practically the seat of government until the year 1800; and the laws of the States by which the District was ceded were declared by an act of Congress of the 16th of July, 1790,‡ to "be in force within the District until the removal of the government to it, and until Congress shall otherwise by law direct."

It appears, then, that the federal government was in operation under the Constitution nearly a year before Congress possessed any power of local legislation over any portion of the District of Columbia and nearly three years before that power became as extensive as the present bounds of the District, or included that portion of the ten miles square in which the seat of government is in fact located. It also appears that the first act of the federal legislature in reference to its jurisdiction then partly acquired, and partly to be acquired was to provide for the continuance, in all their force and in every particular within the District, of the laws of the States that made the cession, until December, 1800, a period of nine years after the time when the powers of Congress, as a local legislature for the District were perfected by the State of Maryland. Nor is this all. By the act of 1790 it was declared, as has been already shown, that the laws of Maryland and Virginia should be the laws of the District, not only "until the time fixed for the removal of the government thereto," but also "until Congress shall otherwise provide by law." No alteration, however, to any considerable extent has yet been made, and the laws of Virginia and Maryland which were in force at the time of their respective cessions, and in force respectively in the

* Laws District of Columbia, p. 59. † Laws District of Columbia, p. 64.
‡ Laws United States, vol. ii, p. 113.

portions of the District ceded by each, still continue to be in almost every particular the local laws of the District of Columbia.

Such are the relations at present existing between the federal government and the District, so far as local legislation is concerned. The powers of Congress, as the local legislature of the District, were derived from the cessions by Virginia and Maryland, and the special grant of exclusive legislation, and not from the general powers conferred upon it by the Constitution; and these special and local powers, which Congress has now possessed for nearly half a century, have been exercised only to the extent above described, and, from the best information your committee have been able to obtain, to no other or greater extent.

The right of Congress to accept the cession of this territory from the States of Virginia and Maryland is found in the eighth section of the first article of the Constitution of the United States, which gives it power "to exercise exclusive legislation in all cases whatsoever over such District, not exceeding ten miles square, as may by cession of particular States, and the acceptance of Congress, become the seat of government of the United States;" and the purpose for which the cession was to be made and received is declared, in the language of the Constitution itself, "such District as may become the seat of government of the United States." The session, therefore, was to be made for this purpose and for no other; and, as regards its use by the federal government, the object of this provision evidently was simply to authorize Congress to accept the grant and to exercise the powers of legislation therein provided for.

It will be conceded by the committee, for the purpose of this report, that the cession was made in conformity with the power of Congress to receive, and that, therefore, by the cession from Virginia and Maryland, Congress is in possession of the powers which the Constitution intended it should possess over the district intended to be ceded.

This brings us to the inquiry as to the probable objects of the grant of "exclusive legislation in all cases whatsoever" over the territory which was to constitute the seat of government of the United States. In consulting the commentators upon the Constitution, it will be found that the old Congress encountered inconveniences and even dangers from holding their sessions where State legislatures had exclusive local jurisdiction, and where State authorities alone were to be depended on in matters of police and personal protection. Indeed, an adjournment of that Congress from the State of Pennsylvania to New Jersey for a cause of this description, which occurred at the close of the revolutionary war, no doubt contributed greatly to the introduction of this clause into the Constitution of the Union. The proceedings of the old Congress show distinctly that the acquirement of a territory for the seat of the federal legislature, over which it should have exclusive or special jurisdiction, was a favorite idea with that body as early as the year 1783, and that it continued up to the time of the formation of the Constitution. Upon this point your committee will only detain the House with a few of the resolutions

adopted by the old Congress that go to establish it. On the 7th of October, 1783, a resolution was passed "that buildings for the use of Congress be erected on or near the banks of the Delaware,* provided a suitable district can be procured on or near the banks of the said river for a federal town, and that the right of soil, and exclusive, or such other jurisdiction as Congress may direct, shall be vested in the United States." On the 21st of the same month (October, 1783,) another resolution was passed, preceded by a preamble as follows: "Whereas there is reason to expect that the providing buildings for the alternate residence of Congress in two places will be productive of the most salutary effects, by securing the mutual confidence and affections of the States, *Resolved*, That buildings be provided for the use of Congress at or near the lower falls of the Potomac,† or Georgetown, provided a suitable district on the banks of the river can be procured for a federal town, and the right of soil, and an exclusive jurisdiction, or such other as Congress may direct, shall be vested in the United States."

On the 20th of December, 1784, the old Congress passed, among others, the following resolutions:

"*Resolved*, That it is expedient that Congress proceed to take measures for procuring suitable buildings to be erected for their accommodation.

"*Resolved*, That it is inexpedient for Congress at this time to erect public buildings for their accommodation at more than one place."

These resolutions by the continental Congress, as to the expediency and necessity for a territory for the seat of the federal government, over which it should have peculiar if not exclusive jurisdiction, are produced to show the origin of the provision in the Constitution upon that subject, and the object for which the acquisition of such a territory was desired. That object, beyond all question, was to secure a seat for the federal government, where the power of self-protection should be ample and complete, and where it might be exercised without collision or conflict with the legislative powers of any of the States, so far as its exercise should be required for the great national purposes for which the peculiar or exclusive jurisdiction was sought to be obtained. The jurisdiction was made exclusive, not as your committee believe, and as they think every considerate citizen will admit, to change the object of the grant of the jurisdiction when it should be made, but to secure that object more effectually by making the federal government independent of State interference and of State protection within the district where it was to be located, and where its deliberations should be held. Had the legislative power of Congress over this District not been made exclusive, one of the great and wise objects intended to be secured, the prevention of conflict between federal and State legislation, would have been necessarily defeated. Every statesman will admit the extreme inconvenience and danger of granting powers of legislation of the same character, and to be exercised within the same territory, (powers of local and municipal legislation,) to two distinct and independent legislative bodies; and the

* Journals of the Old Congress, vol. iv, p. 288. † Journals of the Old Congress, p. 199.

extreme difficulty, if not impossibility, of so defining the portions of power to be exercised by each, as to prevent constant conflict and collision. This must have been the result if any division of the powers of local legislation within the District of Columbia had been made between Congress and the States, by which the territory was ceded to the United States. Congress required all that power which, through all time, would be indispensably necessary for its own protection, and also to render all the departments of the federal government independent of State authority, and entirely dependent on, and obedient to, the federal legislature, and it alone, in all matters of police or municipal legislation. The adoption of the federal Constitution by the people of the several States with this provision in it, shows that the attainment of these objects was considered of paramount importance; and hence, in the judgment of your committee, the power in question was made exclusive.

Assuming the correctness of these premises, the next inquiry is, what expectations were the States by which the District was ceded, as well as their sister States, authorized to entertain as to the exercise by Congress of the legislative powers derived from these cessions? The cessions included not only a portion of the territory of those States, but also a portion of their citizens. To secure the great national objects intended by the cession, the jurisdiction of the States over those citizens, as well as over the territory of the district, was transferred to the federal legislature. This transfer, from the necessity of the case, abridged the rights of the citizens within the territory, who had been formerly entitled to vote for their legislators and other rulers, by subjecting them to a government composed of persons in whose election they were to have no choice. Their governance, however, was confided to those intrusted with the common government of all the States; and when we reflect upon the confidence reposed in Congress by the States that made the transfer, and by the citizens transferred, it accounts at once for the readiness with which the cession was affected. Still, the question recurs, what expectations might reasonably be entertained by the States making the cession, by the other States of the confederacy, so far as their interests were directly or indirectly involved, and by the citizens thus placed under the peculiar care of Congress, as to its exercise of the powers conferred upon it by this cession of territories for a seat of the federal government?

Your committee have no hesitation to say, in answer to this inquiry, that those expectations, by all the parties interested, not only might, but must have been, that Congress would exercise the powers conferred, so far as their exercise should be found necessary for the great national objects of the cession, with strict reference to the accomplishment of those objects; and that all other powers conferred by the cession would be exercised with an equally strict reference to the interests and welfare of the inhabitants of the District—those citizens of two free States who had been made dependent on Congress for their local legislation, for the protection of life, liberty, and property—rights guaranteed by the Constitution to all the citizens of the confederacy—in order *that* a seat for the federal government, subject to

the exclusive control of Congress, might be granted to it. If these positions are correct, it follows necessarily that the institutions, the customs, the rights, the property, and every other incident pertaining to those citizens, and municipal in its character, which they enjoyed as citizens of the States to which they belonged before the cession of the District, and which did not then and have not yet interfered with the great national rights and privileges intended to be secured by the cession, should have been hitherto, and should be in all time to come, guarded and preserved with the same paternal care and kindness with which the legislatures of the States to which they belonged would have guarded and protected them if they had continued to be intrusted to their respective jurisdictions.

Your committee rely confidently upon this as the great rule for the faithful action of Congress in reference to this subject. They feel assured that no rational man will differ with them. Two questions, then, remain to be considered, to determine whether Congress should or should not attempt to interfere with slavery in the District of Columbia, viz:

1st. Do the great national objects which were intended to be secured to the federal government by the cession of the territory require such action on the part of Congress?

Your committee will make no argument upon so plain a proposition. No individual within their knowledge, not even the most deluded fanatic, has ever asked, or attempted to justify, a measure of this description upon such a pretext. The security and independence of Congress, from the moment of its removal to this District to the present hour, have been as perfect as the framers of the Constitution could have desired. No intimation has ever been heard that the existence of slavery in the District of Columbia has ever produced the slightest danger or inconvenience either to the interests or to the officers of the federal government within it. Surely, then, Congress cannot be called upon to interfere with that institution within the District as one of its duties growing out of the national objects connected with the cession; and if such interference is demanded from it, the demand must grow out of its relations to the District as a local legislature. This brings the committee to the remaining question.

2d. Would the States of Maryland and Virginia, if the cession of this territory to the federal government had not been made, from anything which has been shown to Congress, be induced to interfere with or abolish the institution of domestic slavery within it?

At the time of the cession from those States slavery existed in every portion of their territory, in the same degree and subject to the same laws and regulations by which it was authorized and regulated in the territory ceded to the federal government. It still exists in those States, without any material variation or modification of their laws respecting it. As those States, then, have not abolished it within the territories remaining under their jurisdiction, is it reasonable to suppose that they would have abolished it in the territory comprising the District, had they continued to retain their original jurisdiction

over it? Can any reason whatever be given for the abolition of slavery in this particular District which does not apply with equal force to every other slaveholding section of the country? Can any cause be shown why the States of Maryland and Virginia would have abolished, or would now abolish, slavery in this District, had it continued to form a part of those States, respectively, which would not have warranted or produced general abolition throughout those States? Most unquestionably not. As those States, then, have not abolished slavery in the residue of their territory, it is evident that they would not have abolished it in the District of Columbia, if it had continued subject to their action. It follows conclusively, therefore, that Congress, as the local legislature of the District, and acting independently of the national considerations connected with its powers over it, is bound, for the preservation of the public faith and the rights of all the parties interested, to act upon the same reasons and to exercise the same paternal regard which would have governed the States by which the District was ceded to the federal government. And it is unnecessary to add that Congress has acted wisely in treating the institutions found in existence at the time of the cession as the institutions of the people of the District; in continuing their laws and customs, as the laws and customs to which they had been used, and which should never be altered or interfered with, except where the people themselves may be desirous of a change.

Your committee must go further, and express their full conviction that any interference by Congress with the private interests or rights of the citizens of this District, without their consent, would be a breach of the faith reposed in the federal government by the States that made the cession, and as violent an infraction of private rights as it would have been if those States themselves, supposing their jurisdiction had remained unimpaired over their territory, had abolished slavery within those portions of their respective limits, and had continued its existence, upon its present basis, in every other portion of them. And surely there is no citizen, in any quarter of the country, who has the smallest regard for our laws and institutions, State and national, or for equal justice, and an equality of rights and privileges among citizens entitled to it, who would attempt to justify such an outrage on the part of those States. The question then is, Are the citizens of the District desirous of a change themselves? Has any request or movement been made by them that would justify an interference with their private rights on the part of Congress? None whatever. The citizens of the District not only have not solicited any action on the part of Congress, but it is well known that they earnestly deprecate such action, and regard with abhorrence the efforts that are made by others, who have no interest whatever in the District, to effect it. It is impossible, therefore, that any such interference on the part of Congress could be justified, or even palliated, on the ground that it was sought or desired by those who are alone interested in the subject. If, therefore, Congress were to interfere with this description of property against the consent of the people of the District, your committee feel bound to say that it would

be as gross a breach of public faith, and as outrageous an infraction of private rights, as it would have been if such interference had been committed by the States of which the District was formerly a part, supposing that it never had been ceded to the United States.

Your committee will here anticipate an objection which may be urged against this reasoning and these conclusions. They have shown that the powers of Congress over this District divide themselves into two classes, national and local; that in reference to the former, the action of Congress should be governed by the interests of the whole country, so far as they are connected with the branches of the federal government located within the District; that in reference to the latter, its powers are, and its action should be, those of a local and municipal legislature, extending its paternal care and protection over the citizens dependent upon, and subjected to, this branch of its authority; that in the exercise of its powers, the safest stand in reference to slavery is, what would the States to which the District originally belonged, and of which its citizens were originally citizens, have done in case their jurisdiction had never been transferred to Congress; and that those States would certainly not have interfered with the institution of slavery in the District had the power to do so remained with them. The objection anticipated is that the States in question have pursued an unwise policy as to themselves, and that their having done so should not have bound Congress, as the local legislature of the District, to a similar policy in relation to its government. To this, however, your committee consider it perfectly conclusive to reply, that under our institutions, that people is the best governed which is governed most in accordance with its own habits, interests, and wishes; that the policy hitherto pursued by Congress, in reference to slavery within the District, your committee have every reason to believe has been in perfect conformity with the wishes and interests of the citizens concerned; and that it will be time enough for Congress, acting as the local legislature of the District, and in that capacity bound to consult the governed, as the regulators of its action, to move in any matter relating to their private interests and rights when they themselves shall ask such movement.

There is another consideration connected with this part of the argument which your committee think worthy of attention. It is this: that there is no law in the District prohibiting the master from manumitting his slaves, which he may do at his own discretion, and without incurring any responsibility whatever. Certain it is that no such law has been passed by Congress. The citizens of the district, therefore, have no necessity for the aid of Congress, should they wish the abolition of slavery among them. They have only to exercise an existing right, and their wish will be accomplished. Can there be more decisive evidence, then, that they do not wish the abolition of slavery than that it continues to exist among them? Or can any one desire more conclusive proof that any attempt by Congress to effect this object by the force of law would be an interference with the rights of private property, against the wishes and consent of those concerned, and for none of the purposes for which

Congress is authorized by the Constitution to take private property for public use?

Hence, your committee believe they have proved, beyond the power of contradiction, that an interference by Congress with slavery in the District of Columbia would be a violation of the public faith—of the faith reposed in Congress by the States which ceded the territory to the federal government, so far as the rights and interests of those citizens residing within the ceded territory are concerned.

Your committee will now consider this proposition in reference to the interests of the States of Maryland and Virginia. They were slaveholding States at the time they made their cession, and they are so still. They entirely surround this District, from which they are only separated upon all sides by imaginary lines. They made the cession for the great national objects which have been already pointed out, and they made it from motives of patriotism alone, and without any compensation from the federal government for the surrender of jurisdiction over commanding positions in both States. The surrender was made for purposes deemed sufficiently important, by all the original States, to be provided for in the Constitution of the United States; and it was made in conformity with that provision of the Constitution. It is surely unnecessary, after this statement of facts, to undertake to show that those patriotic States made this cession for purposes of good to the Union, and consequently to themselves, and not for purposes of evil to themselves, and consequently to the Union; and that the government of the United States accepted the cession for the same good, and not for evil purposes.

If, then, it can be demonstrated that the abolition of slavery in the District of Columbia would produce evil, and not good, to the States that made the cession, the conclusion is inevitable that such an act on the part of Congress would be a violation of the faith reposed in it by those States. To all to whom this is not perfectly palpable without an argument, the following considerations are presented:

It has been already said that the States of Maryland and Virginia surround the District. It has also been shown that, in reference to slavery within the District, the relations of Congress are entirely those of a local legislature, and that its action therefore, in this capacity, should be governed by the same reasons which would have governed those States themselves in relation to this subject, if their jurisdiction over this territory had never been surrendered. Let us suppose, then, that this jurisdiction had never been surrendered by Maryland and Virginia, and that it was now proposed that they should abolish slavery, and relinquish all power of legislation over free blacks within the portions of those States which constitute the District of Columbia, retaining their respective institutions of slavery in all the remaining portions of their territory. Who is there that would not be amazed at the folly of such an act? Who does not see that such a step would necessarily produce discontent and insurrections in the remaining portions of those States? Who does not perceive that under such circumstances the District would constitute at once a neutral ground, upon which hosts of free blacks, fugitive

slaves, and incendiaries would be assembled in the work of general abolitionism; and that from such a magazine of evil every conceivable mischief would be spread through the surrounding country, with almost the rapidity of the movements of the atmosphere? Surely no one can doubt the certainty of the consequential evils in the case supposed. How, then, can any doubt or deny the dangers in the case before us? The territory is the same; it is surrounded by the same portions of slaveholding States; and the only difference is that in the case supposed, the abolition would be the work of State authorities, while, in the other, it is sought to accomplish it by the authority of Congress. The condition of things before and after it is done is the same in both cases, and the opportunities for mischief, in case the work be accomplished, are equal in both. Can it be necessary to say more to establish the position, that any interference with slavery in the District of Columbia, on the part of Congress, would be a violation of the puplic faith, the faith reposed in Congress by those States, and without which they never could have been induced to have made that cession.

It only remains under this head to show that Congress could not interfere with slavery in the District of Columbia, without a violation of the public faith, in reference to the slaveholding States generally, as well as to the States of Virginia and Maryland. The provision in the Constitution authorizing Congress to accept the cession of a territory for a seat of the federal government, and to exercise exclusive jurisdiction over it, was as general and universal as any other provision in that instrument. In its national objects all the States were equally interested, and so far as there was any danger that the powers of local legislation conferred on Congress might interfere with or injuriously affect the institutions of the various States, each State possessed an interest proportioned to the probable danger to itself. As far as your committee know or believe, however, no apprehension of an interference on the subject of domestic slavery was entertained in any quarter, or expressed by any statesman of the day. An examination of the commentaries on the Constitution will show that various apprehensions were entertained, as to the powers conferred on Congress by this clause, such as that privileged classes of society might be created within the District; that a standing army, dangerous to the liberties of the country, might be organized and sustained within it, and the like; but not a suggestion can be found, that, under the local powers to be conferred, any attempt would be made to interfere with the private rights of the citizens who might be embraced within the District, or to disturb or change, directly, or by consequence, the municipal institutions of the States, or that the subject of domestic slavery as it existed in the States could be in any way involved in the proposed cession.

At that time all the States held slaves. Many of them have since, by their own independent action, without influence or interference from the federal government, or from their sister States, effected in their own time and way the work of emancipation; others of the original States remain as they were at the time of the adoption of the

Constitution in reference to this description of property, and several new members have been admitted into the Union as slaveholding States. All the States which have held or now hold slave property have invariably considered the institution as one exclusively subject to State authority, and not to be affected, directly or indirectly, by federal interference. The practice of the government, as well as its theory, has established this doctrine, and the action of the States in retaining or abolishing the institution at pleasure has conformed entirely to this principle. Now the subject of federal inteference has become one of some agitation, and Congress is solicited to adopt measures in relation to the District of Columbia which have been shown to be most dangerous and destructive to the security and interests of the two slaveholding States by which it was ceded to the federal government. Your committee will not trouble the House to prove that any measure of the federal legislature which would have this tendency in those two States, would, from the very necessity of the case, and the unity of the interest wherever it exists, have the same tendency, measurably, in all the other slaveholding members of the Union. This position is too plain for argument. If, then, all the States were equally interested in the national objects for which this territory was ceded as the seat of the federal government; if that cession was designed by the framers of the Constitution to inure to the benefit of the whole confederacy, and was made in furtherance of that design; and if Congress, contrary to the obvious intent and spirit of the cession, shall do an act not required by the national objects contemplated by it, but directly repugnant to the interests and wishes of the citizens of the ceded territory, and calculated to disturb the peace and endanger the interests of the slaveholding members of the Union, such an act must be in violation of the public faith—of the faith reposed in Congress by the States that made the cession, and which would be deeply injured by such an exercise of power under it, and also of the faith reposed in that body by all the States, inasmuch as no independent State in the Union can be injured in its peace or its rightful interests by the action of the federal government, without a corresponding injury to every member of the confederated States.

Your committee have already shown that an interference with slavery in the District of Columbia would involve a violation of the public faith as regards the rights and interests of the citizens thereof. They recur to this topic, however, on account of its importance, and for the purpose putting it in another light, and, as they consider, upon unanswerable ground. They are aware that under the *Constitution, Congress possesses "exclusive legislation" over the aforesaid District, but the power of legislation was given to be exercised for beneficial purposes only, and cannot, therefore, be exercised consistently with public faith for any object that is at war with the great principles upon which the goverment itself is founded. The Constitution, to be properly understood, must be taken as a whole. Wherever

*Article 1, section 8.

a particular power is granted, the extent to which it may be carried can only be inferred from other provisions by which it may be regulated or restrained. The Constitution, while it confers upon Congress exclusive legislation *within* this District, does not and could not confer unlimited or despotic authority over it. It could confer no power contrary to the fudamental principles of the Constitution itself, and the essential and unalienable rights of American citizens. The right to legislate, therefore, (to make the Constitution consistent with itself,) is evidently qualified by the provision that "no man shall be deprived of life, liberty, or property, without due process of law,"* and various others of a similar character. We lay it down as a rule that no government can do anything directly repugnant to the principles of natural justice and of the social compact. It would be totally subversive of all the purposes for which government is instituted. Vattel says: "The great end of civil society is whatever constitutes happiness with the peaceful possession of property." No republican would tolerate that a man should be punished by a special statute for an act not legally punishable at the time of its commission. No republican could approve any system of legislation by which private contracts, lawfully made, should be declared null and void, or by which the property of an individual, lawfully acquired, should be arbitrarily wrested from him by the high hand of power. But these great principles are not left for their support to the natural feelings of the human heart, or to the mere general spirit of republican government. They are expressly incorporated in the Constitution, and they have also been recognized and insisted on by the Supreme Court of the United States, which lays down the following sound and incontrovertible doctrine: "There are acts which the *federal* or *State legislatures cannot* do without exceeding their authority. There are certain vital principles in our free republican government which will determine and overrule an apparent and flagrant abuse of legislative power; as to authorize manifest injustice by positive law, or to take away that security for personal liberty or private property for the protection whereof the government was established. An act of the legislature contrary to the *great first principles of the social compact cannot be considered a rightful exercise of legislative authority.* The obligation of a law in governments established on express compact, and on republican principles, must be determined by the nature of the power on which it is founded. A few instances will suffice to explain: A law that punished a citizen for an innocent action, or that was in violation of an existing law; a law that destroys or impairs the obligation of the lawful private contracts of citizens; a law that makes a man a judge in his own case; or a law that takes property from A, and gives it to B. It is against all reason and justice for a people to intrust a legislature with such powers, and therefore it cannot be presumed that they have done it. The legislature may enjoin or permit, forbid or punish; they may declare new crimes, and establish rules of conduct

* Amendments to the Constitution, article 5.

for future cases; but they cannot change innocence into guilt, or punish innocence as a crime, or violate the rights of an antecedent lawful private contract, or the right of private property. To maintain that our *federal* or *State legislatures* possess such powers, even if they had not been expressly restrained, *would be a political heresy, altogether inadmissible in our free republican government.*"* Now, every principle here affirmed by the court applies to and protects the people of this District, as well as the people of the States. The inhabitants of this District are a part of the people of the United States. Every right and interest secured by the Constitution to the people of the States is equally secured to the people of the District. Congress can therefore do no act affecting property or person, in relation to this District, which it is prohibited to do in relation to the citizens of the States, without a direct violation of the public faith. For instance, it is a well-settled constitutional principle, that "private property shall not be taken for public use, without just compensation." Now, the true meaning of this provision obviously is, that private property shall be taken only for public use, but shall not be taken, even then, without adequate remuneration. It is evident, however, in reference to slavery, either that the government would use the slaves, or that it would not. If it would use them, then they would not be emancipated; and it would be an idle mockery to talk of the freedom of those who would only cease to be private to become public slaves. If it would not use them, then how could it be said that they were taken for the public use, consistently with the provision just recited? But even if they could be taken without reference to public use, they could not be taken without just compensation. It is exceedingly questionable, however, whether Congress could legally apply the public revenue to such an object, even with the consent of the owners of the slaves. As to emancipation without their consent, and without just compensation, your committee will not stop to consider it. It could not bear examination. Honor, humanity, policy, all forbid it. It is manifest, then, from all the considerations herein stated, (and there are others equally forcible that might be urged,) that Congress could not abolish slavery in the District of Columbia, without a violation of the public faith.

Your committee will only add one or two reflections upon this interesting point.

What is the meaning of the declaration adopted by the House in relation to the District of Columbia? Is it not that Congress cannot and will not do an act which it has solemnly proclaimed to involve a violation of the public faith? Does it not afford every security to the south which it is in the power of the federal government to afford? Is it not tantamount, in its *binding obligation upon the government*, to a positive declaration, that the abolition of slavery in the District of Columbia would be unconstitutional? Nay, is it not even more *efficacious in point of fact?* Constitutional provisions are matters of construction. The opinion of one house upon an abstract controverted

* Dallas's Report, volume 3, page 388.

point may be overruled and reversed by another. But when Congress has solemnly declared *that a particular act would be a violation of the public faith*, is it to be supposed that it would ever violate a pledge thus given to the country? Can an abolitionist expect it? Need any citizen of a slave State fear it? What is public faith but the honor of the government? Why are treaties regarded as sacred and inviolable? Why but because they involve the pledge, and depend upon the sanctity, of the national faith? Why are all compacts or promises made by government held to be irrevocably binding? Why but because they cannot break them without committing perfidy, and destroying all confidence in their justice and integrity? Surely, then, your committee may say with the utmost confidence, (and the sentiment will be ratified by every American heart,) that the declaration now promulged in relation to this subject, will not be departed from by any succeeding legislature, except under circumstances (should any such ever arise in the progress of our country) in which a departure from it would not be regarded by the slaveholding States themselves, as a wanton or arbitrary infraction of the public faith!

Your committee are further instructed to report that, in the opinion of this House, Congress ought not to interfere in any way with slavery in the District of Columbia—

2dly. Because it would be unwise and impolitic.

It will be palpable to the minds of all that if the committee have succeeded in establishing, as they think they have, that any such interference on the part of Congress would be a violation of the public faith, it would be a work of supererogation to attempt to show that such an act would be unwise and impolitic. As there may be some, however, who may not agree with them in their arguments or conclusions upon that point, they feel bound, under the instruction of the House, to offer a few suggestions under this head.

The federal government was the creation of the States of the confederacy, and the great objects of its creation and organization "were to form a more perfect union, establish justice, insure domestic tranquillity, and provide for the common defence and general welfare."

Apply these principles, then, to an interference by Congress with slavery in the District of Columbia. Such action, to be politic, must be in accordance with some one of those great objects; and it will be the duty of the committee, in as concise a manner as possible, to show that it would not be in accordance with either of them.

First, then, as to the District itself.

It has already been shown that any interference, unsolicited by the inhabitants of the District, cannot "establish justice," or promote the cause of justice within it, but directly the reverse. No greater degree of slavery exists here now than did exist when the Constitution was adopted, and then the inhabitants of the District were citizens of the States of Maryland and Virginia, and had a voice in the adoption of that instrument. Surely their subsequent transfer to the jurisdiction of Congress, made in conformity with that Constitution, could not deprive them of the protection to which they were entitled by these great leading principles of it. On the contrary, they had

every right to expect that Congress would "establish justice," as to them, in strict compliance with the great charter under which it acted, and by which it is forbidden to interfere with their rights of private property without their consent, or in any way to affect injuriously their domestic institutions. Of those institutions slavery was and is the most important, and any attempt on the part of Congress, acting as the local legislature of the District, to abolish it, would not only be impolitic, but an act of gross injustice and oppression.

Secondly, as to the States of the Union. Here, again, your committee have but to refer to their former remarks to show that the abolition of slavery in the District would not "establish justice," but work great injustice to the surrounding States in particular, and to all the slave States in general, and in a degree proportioned to their proximity to the District and to the influence upon the institution of slavery in the Union, of such action on the part of Congress. They have also shown that the abolition of slavery here, so far from tending to "insure domestic tranquillity," would have a direct tendency to produce domestic discord and violence and servile war in all the slaveholding States. As these consequences, then, would follow such action in reference to the States, your committee need not say, that, instead of providing for "the common defence *by it*," Congress would be called upon "to provide for the common defence" *in consequence of it*, and to an extent which cannot now be foreseen. Seeing, then, that the American confederacy was formed for the great objects of providing for "the common defence and general welfare," it follows, necessarily, that Congress is not only restrained from the commission of any act by which these objects may be frustrated, but that it is bound to sustain and promote them. The same provision of the Constitution which requires it to call out the militia to "suppress insurrections," unquestionably imposes the corresponding obligation upon it to commit no act by which an insurrectionary spirit may be excited. The same provision which enjoins it on the federal government, to "guarantee to each State a republican form of government, and to aid and protect each State against domestic violence," evidently implies the correlative obligation to take no step of which the direct and inevitable tendency would be to overthrow the State governments, and to involve them in wide-spread scenes of misery and desolation. In one word, if it be the duty of Congress, as it most clearly is, to support and preserve the Constitution and the Union, then it is manifest that it is bound to avoid the adoption of any legislation which may lead to their destruction. Your committee consider these positions too obvious to require argument or illustration. They consider it equally manifest, that any attempt to abolish slavery in the District, would necessarily tend to the deplorable consequences to which they have adverted. Congress, therefore, is bound, by every principle of duty which forbids it to interfere with slavery in any of the States, to abstain from any similar interference in the District of Columbia.

We have said that the scheme of general emancipation is imprac-

ticable. The slightest reflection must satisfy every candid mind of the truth of this assertion.

Admitting that the federal government had a right to act upon this matter, which it clearly has not, it certainly never could achieve such an operation without full compensation to the owners. And what would probably be the amount required? The aggregate value of all that species of property is not less, probably, than four hundred millions of dollars! And how could such an amount be raised? Will the people of this country ever consent to the imposition of oppressive taxes, that the proceeds may be applied to the purchase of slaves? The idea is preposterous; and not only that, but it is susceptible of demonstration, that even if an annual appropriation of ten millions were actually applied to the purchase and transportation of slaves, the whole number would not be sensibly diminished at the expiration of half a century, from the natural growth and multiplication of the race. Burden the treasury as we might, it would still be an endless expense and an interminable work. And this view of the subject surely is sufficient of itself to prove that of all the schemes ever projected by fanaticism, the idea of universal emancipation is the most visionary and impracticable.

But even if the scheme were practicable, what would be gained by effecting it? Suppose that Congress could emancipate all the slaves in the Union, is such a result desirable? This question is addressed to the sober sense of the people of America. Would it be politic or advantageous? Would it contribute to the wealth, or grandeur, or happiness of our country? On the contrary, would it not produce consequences directly the reverse? Are not the slaves unfit for freedom; notoriously ignorant, servile, and depraved? and would any rational man have them instantaneously transformed into freemen, with all the rights and privileges of American citizens? Are they capable of understanding correctly the nature of our government, or exercising judiciously a single political right or privilege? Nay! would they even be capable of earning their own livelihood, or rearing their families independently by their own ingenuity and industry? What, then, would follow from their liberation but the most deplorable state of society with which any civilized country was ever cursed? How would vice and immorality and licentiousness overrun the land? How many jails and penitentiaries that now seldom hold a prisoner would be crowded to suffocation? How many fertile fields that now yield regular and abundant harvests would lie unoccupied and desolate? How would the foreign commerce of the south decline and disappear? How many thousands of seamen, of whom southern agriculture is the very life, would be driven for support to foreign countries? And how large a portion of the federal revenue derived from foreign commodities exchanged for southern products would be lost forever to this government? And, in addition to all this, what would be the condition of southern society were all the slaves emancipated? Would the whites consent that the blacks should be placed upon a full footing of equality with them? Unquestionably not. Either the one class or the other would be forced to emigrate, and,

in either case, the whole region of the south would be a scene of poverty and ruin; or, what is still more probable, the blacks would everywhere be driven before the whites, as the Indians have been, until they were exterminated from the earth. And surely it is unnecessary to remark that decay and desolation could not break down the south without producing a corresponding depression upon the wealth and enterprise of the northern States. And here let us ask, too, what would be the condition of the non-slaveholding States themselves, as regards the blacks? Are they prepared to receive myriads of negroes, and place them upon an equality with the free white laborers and mechanics, who constitute their pride and strength? Will the new States consent that their territory shall be occupied by negroes instead of the enterprising, intelligent, and patriotic white population which is daily seeking their borders from other portions of the Union? Shall the yeomanry of those States be surrounded by thousands of such beings, and the white laborer forced into competition and association with them? Are they to enjoy the same civil and political privileges as the free white citizens of the north and west, and to be admitted into the social circle as their friends and companions? Nothing less than all this will constitute perfect freedom, and the principles now maintained by those who advocate emancipation would, if carried out, necessarily produce this state of things! Yet, who believes that it would be tolerated for a moment? Already have laws been passed in several of the non-slaveholding States to exclude free blacks from a settlement within their limits, and a prospect of general and immediate abolition would compel them, in self-defence, to resort to a system of measures much more rigorous and effective than any which have yet been adopted. Driven from the south, then, the blacks would find no place of refuge in the north; and, as before remarked, utter extermination would be the probable, if not the inevitable, fate of the whole race. Where is the citizen, then, that can desire such results? Where the American who can contemplate them without emotion? Where the abolitionist that will not pause, in view of the direful consequences of his scheme, both to the whites and the blacks, to the north and the south, and to the whole Union at large?

Your committee deem it their duty to say that, in their opinion, the people of the south have been very unjustly censured in reference to slavery. It is not their purpose, however, to defend them. Their character, as men and citizens, needs no vindication from us. Wherever it is known it speaks for itself, nor would any wantonly traduce it, but those assassins of reputation, who are also willing to be the destroyers of life. Exaggerated pictures have been drawn of the hardships of the slave, and every effort made to malign the south, and to enlist against it both the religious and political feeling of the north. Your committee cannot too strongly express their unanimous and unqualified disapprobation of all such movements. The Constitution under which we live was framed by our common ancestors to preserve the liberty and independence achieved by their united efforts in the council and the field. In all our contests with foreign

enemies, the south has exhibited an unwavering attachment to the common cause. Where is the spot of which Americans are prouder than the plains of Yorktown? Or, when was Britain more humbled, or America more honored, than by the victory of New Orleans? All our history, from the revolution down, attest the high and uniform and devoted patriotism of the south. Her domestic institutions are her own. They were brought into the Union with her, and secured by the compact which makes us one people; and he who would sow dissensions among members of the same great political family, by assailing the institutions, and impugning the character of the citizens of the south, should be regarded as an enemy to the peace and prosperity of our common country.

If there is a feature by which the present age may be said to be characterized, it is that sickly sentimentality which, disregarding the pressing claims and wants of its own immediate neighborhood, or town, or State, wastes and dissipates itself in visionary, and often very mischievous, enterprises, for the imaginary benefit of remote communities. True philanthropy, rightly understood and properly applied, is one of the purest and most ennobling principles of our nature; but, misdirected or perverted, it degenerates into that fell spirit of fanaticism which disregards all ties, and tramples on all obstacles, however sacred or venerable, in the relentless prosecution of its horrid purposes. Experience proves, however, that, when individuals in one place, mistaking the true character of benevolence, rashly undertake, at the imminent hazard of conflict and convulsion, to remedy what they are pleased to consider evils and distresses in another, it is naturally regarded by those who are thus injured, either as a species of madness which may be repelled or resisted, as any other madness may, or as manifesting a feeling of hostility on the one side, which must necessarily produce corresponding alienation on the other. It is all important, therefore, that the spirit of abolition, or, in other words, of illegal and officious interference with the domestic institutions of the south, should be arrested and put down: and men of intelligence and influence at the north should endeavor to produce that sound and rational state of public opinion which is equally due to the south and to the preservation of the Union.

And this brings your committee to the last position they have been instructed to sustain, and that is, that, in the opinion of this House. Congress ought not to interfere in any way with slavery in the District of Columbia.

3dly. Because it would be dangerous to the Union.

The first great object enumerated in the Constitution, as an inducement to its adoption, was to "form a more perfect union." At that time all the States held slaves to a greater or less extent, and slavery in the States was fully recognized and provided for, in many particulars, in that instrument itself. It was recogzized, however, and all the provisions upon the subject so regarded it, as a State and not a national institution. At that time, too, as has been before remarked, the District of Columbia constituted an integral part of two of the independent States which became parties to the confederacy and to the

Constitution itself. Since that time an entire emancipation of slaves has taken place in several of the old States; but in all cases this has been the work of the States themselves, without any interfence whatever by the federal government. New States have also been admitted into the Union, with an interdiction in their constitutions against involuntary servitude. In this way the slave States have become a minority in representation in the federal legislature. Their interests, however, as States, in the institution of domestic slavery, as it exists within their limits, have not diminished, nor has their right to perfect security under the Constitution, in reference to this description of property, been in any way or to any degree surrendered or impaired since the adoption of that instrument by themselves and their sister States.

The operation of causes, to a great extent natural, and proceeding from climate, soil, and consequent production, has rendered slavery a local and sectional institution, and has thus added another to the most alarming apprehensions of patriots for the perpetuity of this Union—the apprehension of local and geographical interests and distinctions. How immensely important is it, then, that Congress should do no act, and assume no jurisdiction, in reference to this great interest, by which it shall ever appear to place itself in the attitude of a local, instead of a national tribunal—a partial agent, providing for peculiar and sectional objects and feelings, instead of a general and paternal legislature, equally and impartially promoting the general welfare of all the States. No one can fail to see that any other course on the part of Congress must weaken the confidence of the injured States in the federal authority, and, to the same extent, prove "dangerous to the Union."

Since the adoption of the federal Constitution the District of Columbia has been ceded to the United States as a seat of the federal government; but not only many eminent statesmen of the country, but all of the slaveholding States, speaking through their legislative assemblies, firmly believe and insist that the cession so made has conferred upon Congress no constitutional power to abolish slavery within the ceded territory. Your committee have abstained from an examination of this question, because they were not instructed to discuss it. But they have no hesitation to say that, in the view they have taken of the whole question, the obligations of Congress not to act on this subject are as fully binding and insuperable as a positive constitutional interdict, or an open acknowledgment of want of power.

Considering the subject in this light, your committee have already proved that any interference by Congress with the subject of slavery would be evidently calculated to injure the interests and disturb the peace of the slaveholding States; and if they have succeeded in establishing this position, no argument is necessary to show that such consequences, springing from the action of Congress as the local legislature of the District, would eminently endanger the existence of this Union. It has also been shown that Congress, as the legislature of the Union, can have no constitutional power over this subject, and that its powers as a local legislature of the District were granted for

the mere purpose of rendering its general powers perfect and free from conflict and collision with State authorities. It has also been shown that these local powers should be so exercised as to confer the greatest benefits upon the citizens residing within the District, with the least possible injury to the peculiar interests of any State, or the general interests of all the States. Your committee have also shown, as they think successfully, that the abolition of slavery in the District of Columbia would be a deep injury to the citizens of the District, and therefore a violation of the trust reposed in Congress as the local legislature of the District, and also that it would inflict an incurable injury upon all the slaveholding States, and would therefore be an equal violation of the trust reposed in that body as the legislature of the Union. If, then, they have established these positions, as they think they have, can any one doubt that the action contemplated would be "dangerous to the Union," being directly calculated, as it would be, to weaken the confidence of the District in Congress as a safe and faithful local legislature, and the confidence of the slaveholding States as an impartial guardian of their interests?

Important as the Union is to each State, and to the whole American people, every one will admit that, as far as possible, strict impartiality and kind feelings to all the interests and all the sections of the country should characterize the action of the federal government. The Union was formed for the common and equal benefit of all the States, and for the perfect and equal protection of the rights and interests of all the citizens of all the States. Its only strength is in the confidence of the States, and of the people, that these great benefits will continue to be secured to them, and that these great purposes will be accomplished by its preservation. Any action, therefore, on the part of Congress which shall weaken or destroy that confidence in any portion of our citizens, or in any State of the Union, must inevitably, to that extent, endanger the Union itself! Who can doubt this reasoning? Who does not know that the agitation of any question connected with domestic slavery, as it exists in this country, among any portion of our citizens, creates apprehension and excitement in the slaveholding States? Who does not know that the agitation of any such question in either branch of Congress shakes their confidence in the security of their most important interests, and, consequently, in the continuance to them of those great benefits, to secure which they became parties to the Union? Who, then, does not believe that any action by Congress, having for its object the abolition of slavery in any portion of the Union, however narrow or limited it may be, would necessarily impair the confidence of the slaveholding States in their security in relation to this description of property, put an end to all their hope of benefits to be derived to them from the further continuance of the Union, and alienate their affections from it? Were Congress, in a single instance, to suffer itself to be impelled by mere feeling in one portion of the Union, to attempt a gratification of that feeling at the sacrifice of the dearest interest and most sacred rights of another portion, who can doubt that the Union would be seriously endangered, if not dstroyed? But this conclusion does not depend upon reasoning alone.

The evidences of public sentiment on this point are equally abundant and decisive. Your committee having already extended their report beyond the limits to which they could have wished to confine it, will enter into no details upon this portion of their duty. Suffice it to say that the legislatures of several, if not of all, the slaveholding States, have solemnly resolved that "Congress has no constitutional authority to abolish slavery in the District of Columbia." It would be utterly impossible, therefore, that any such attempt should be made by Congress without producing an excitement and involving consequences which no patriot can contemplate without the most painful emotions. It would be regarded by the slaveholding States as an entering wedge to a scheme of general emancipation, and, therefore, tend to produce the same results, in relation to the federal government and the Union, that would be produced by the adoption of any measure directly affecting the domestic institutions of the States themselves. Your committee will not dwell upon the picture that is thus presented to their minds. The reflection it excites is one of unmingled bitterness and horror. It is one, they trust, which is never to be realized. Looking upon their beloved country, as it now stands, the envy and admiration of the world; contemplating, as they do, that unrivalled Constitution, by which a beauteous family of confederated States, each independent in its own separate sphere, revolve around a federal head with all the harmony and regularity of the planetary system; and knowing, as they do, that under the beneficent influence of our free institutions, the people of this country enjoy a degree of liberty, prosperity, and happiness, not only unpossessed, but scarcely imagined, by any other upon earth; they cannot and will not advert to the horrors, or depict the consequences of that most awful day, when the sun of American freedom shall go down in blood, and nothing remain of this glorious republic but the bleeding, scattered, and dishonored fragments. It would indeed be the extinction of the world's last hope, and the jubilee of tyranny over all the earth!

But your committee feel that, with these painful impressions on their minds, they would but imperfectly discharge their duty if they did not make an earnest appeal to the patriotism of the American people to sustain the resolution adopted by the House. And they would also appeal to the good sense and good feelings of that portion of the abolitionists who, acting under a mistaken sense of moral and religious duty, have embarked in this crusade against the south, solemnly invoking them, in the name of our common country, to abstain from a system of agitation which has not only failed, and will always fail, to attain its objects, but has even brought the Union itself into a state of imminent and fearful peril. It is confidently believed that this appeal will not be made in vain, and that hereafter all who truly love their country will manifest their patriotism by avoiding this unhappy cause of discord and disunion, and that they will make no further exertions upon a subject from the continued agitation of which nothing but augmented evils can result.

In conclusion, the undersigned recommend the adoption of the following resolutions as a substitute for the bill reported by the majority of the Committee for the District of Columbia:

Resolved, That the Constitution confers no power on Congress to establish or abolish slavery in the States, Territories, or the District of Columbia.

Resolved, That the deeds of cession of Virginia and Maryland neither contemplated nor intended to confer such a power on Congress.

Resolved, That to alter, change, or abolish the rights of property in the District of Columbia, without the consent of the owners, would be unjust, and in violation of the spirit if not the letter of the Constitution.

Resolved, That, even with such consent, to interfere with the subject of slavery, not only without but against the consent of the people of Maryland, would be in flagrant violation of the public faith, an abuse of the trust conferred on Congress by the cession, and hazardous to the peace and security of that State, and particularly unfortunate at this time, as calculated to discourage many loyal citizens and strengthen the power of the rebellion.

CHAS. B. CALVERT.
JOHN B. STEELE.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 59.

CHAUNCEY A. HORR.

[To accompany bill H. R. No. 358.]

MARCH 12, 1862.—Ordered to be printed.

Mr. ALDRICH, from the Committee on Indian Affairs, made the following

REPORT.

The Committee on Indian Affairs, to whom was referred the memorial of Chauncey A. Horr, of Nebraska Territory, have considered the case maturely, and submit the following report:

This is a claim for compensation for a personal injury inflicted upon the memorialist by a party of Omaha Indians, on the Omaha reserve, in the Territory of Nebraska, in June, 1858. The memorialist asks that so much of the annuity which the United States have stipulated by treaty to pay to the Omahas shall be retained and sequestered for his benefit as shall satisfy his just claim for damages.

This committee, having carefully considered the testimony which was submitted by the memorialist to the Indian agents and superintendent for the district in which the Omahas live, are constrained to arrive at a different conclusion as to its force and bearing from that which was adopted by the officers who had the same under consideration.

The Bureau of Indian Affairs, however. having rejected the claim of the memorialist upon the ground that there *was a want of jurisdiction at the bureau or its agency to award damages to any citizen for a personal injury inflicted by the Indians*, it will devolve upon this committee to detail, in a brief space, the reasons for their conclusions in the case.

It appears that in June, 1858, Mr. Horr was living a few miles from the Omaha reserve, in Nebraska, and had lost a bay horse from his farm, which the mail carrier informed him that he had seen within the lines of the Indian reservation. The memorialist informed the Indian agent of his loss, who then promised to have the Indians find and restore the horse to its owner; that in a day or two Mr. Horr returned, and learned from the agent that the animal had not been found. The agent suggested to memorialist that he should hunt for the animal on "a certain divide" between two creeks inside of the reserve, and Horr went to this locality accordingly, and there saw a bay horse standing in some timber. As he approached to ascertain

whether it was his horse, when he was some forty yards from the horse, three Indians suddenly stepped out from the bushes and fired their rifles at him in quick succession. Two of the balls took effect upon his person. He fled; the Indians pursued and tried to cut off his retreat, but he escaped, and was subsequently taken up by a settler and carried to his house, where surgical assistance was procured. One of the wounds he received was of such a character that it has entirely disabled his left arm, and subjected him to great pain. There is no prospect of his being restored to the use of the arm.

Mr. Horr is now in the meridian of life, and finds himself, by this casualty, a disabled man, incapable of maintaining himself by manual labor, on which he had relied for a livelihood.

But he did not resort to violence for revenge; on the contrary, he filed his complaint against the Omaha tribe before the agent, and made his affidavit to his belief that he had been shot by the Omaha Indians. The chiefs of the tribe, by council, filed a denial that the Indians who shot Mr. Horr were Omahas; so that the point between them made an issue *on the identity of the criminals as Omahas.* To render this question free of difficulty, the chiefs interposed with their denial affirmative matter, pointing *to another tribe for the guilty party.* They said the shooting was probably done by a band of Sioux Indians who were lurking about the Omaha reservation to steal. Now, it is plain this affirmative matter was to be proved by the party introducing it. The chiefs *did* show that the Sioux had stolen ponies from the reserve, and had driven them to their villages *in May* of that year; but this does not maintain the presumption that the Sioux were at the same place, at the same business, *in June*, or that they would shoot a white man in the centre of the reserve to prevent his interference with the property they had captured. The suggestion, inculpating the Sioux, is not maintained by proof, and therefore leaves the Omaha Indians with all the presumptions against their tribe. The offence was committed within three miles of one of the Omaha villages, and near the centre of their reserve. Their chief, Jos. La Flesche, speaking of the occurrence afterwards, said "the Indians in that village were mean enough to do such a deed with a fair opportunity." Had the testimony rested here the committee suppose the preponderance of the evidence would have been against the Indians; but it does not rest here. George Ironsides testifies that, subsequently to the shooting of Horr, he was on the Omaha reserve, and the subject was introduced in a conversation between him and some Omaha Indians by the Indians thus:

"I was then asked if I had found Horr's horse. I told the Indians I did not care a damn for Horr or his horse. The same Indian then said 'if he got Horr he got two horses;' then he said something, making the sign of twenty times upon his fingers, pointing to the moon, and then making the sign as if shooting an arrow, by which, Charley told me, they meant, if they saw Horr upon the reserve within ten years, they would shoot him."

It cannot be doubted, on this testimony, the Indians manifested hostility to the memorialist. The interpretation of the declaration, "if he got Horr he got two horses," is, that had he succeeded in killing

Horr, he should have succeeded in obtaining the horse Horr was riding at the time, as well as the one he was hunting.

Another witness, Charles McNeany, testifies that he was with the Omahas on their hunt in 1859, and "during said hunt he heard one of them say that he shot at Horr last summer, and that he yet intended to kill him. This conversation was directed to the other Indians, and many other similar remarks were made by the same party. I have heard one other Indian speak of shooting at Judge Horr; I could identify both of them."

To evade the force of this evidence, the Indians introduced Ray Harvey, a person in the employment of La Flesche, the Indian chief, to testify that Charley, the person who interpreted for Ironsides, is half-witted, and therefore that no credence should be given to his interpretation of what the Indians said to Ironsides; also, that *Charley told him* (the witness) that Horr had made improper proposals to induce him (Charley) to testify in the case. Thus with one breath he would destroy the force of what Charley interpreted by proving his incapacity, and in the next he would speak from Charley's mouth to blacken the reputation of Judge Horr. The signs of the Indians needed no interpreter, and Ironsides does not solely rely on the interpreter. He had a conversation with the Indians before the interpreter joined them, and the committee observe that the bearing of the Indians to the witness was hostile and insolent. The testimony of Ironsides stands unimpeached. The testimony of Ray Harvey is worth nothing, for his own declarations show that his character places him in a position in which he cannot be used to assail the testimony of others. The affirmative testimony which was introduced before the agency sustains the proposition of the memorialist, and fortifies the presumption, which would have possibly been sufficient without affirmative proof, that the perpetrators of the injury to Mr. Horr were Omaha Indians.

The rule of the Bureau of Indian Affairs excluded, however, the consideration of the personal injury to the memorialist as being beyond the jurisdiction of the Commissioner under the intercourse act of 1834.

This committee find no fault with the decision of the Commissioner on the point as to *his* jurisdiction; but the question presents itself very differently when the appeal of the citizen is made *to Congress.* It becomes a powerful government to be distinguished for its humanity to the weak and ignorant; but no government can be excused for failing to protect the lives and personal safety of its own people. The Indians have their rights; so have the citizens of the United States. It would be mistaken philanthropy that could lead the representatives of the power of the United States to close their ears against the complaints of a citizen who is stricken down in the prime of his life, and in the bosom of his country, by the arm of savage violence, lest the government should incur the censure of imposing on the weakness of an Indian tribe. It is absurd to educate the Indian to the idea that the government thinks more of horses and property than of the lives of the citizens of the country; yet such must be the practical effect of the existing rules of intercourse with the Indian tribes should Con-

gress determine that the citizen whose horse is stolen shall be compensated from the Indian annuity or the treasury, but that the citizen who is made in his own person a cripple for life is without redress.

The Indians understand the difference between good and bad behavior. They must be taught that while the one purchases kindness and good offices from the whites, the other brings the loss of the annuity primarily, and will ultimately lead to war.

It is a well-settled institute of the public law, that for injuries done to the citizens of one State by the citizens or subjects of another, the government of the former may demand redress from the government of the latter; and in failure of satisfaction, may resort to reprisals, hostilities, and ultimately to war. Scarcely a year since the flotilla of the United States demanded and received from Paraguay ten thousand dollars as damages for the killing of a hand on an American steamer. The history of every country in Christendom may be appealed to for illustrations of this principle. The Indians are in some sort a foreign people; they make treaties with this government, contracts for land, retain titles in reserves, make demands and reclamations for injuries and losses, and, in a word, vindicate their claims to be considered independent by acts in which they are represented as nations, communities, or tribes. They must be held to corresponding responsibilities.

The shooting of Judge Horr by Omahas was a breach of treaty obligation and an express pledge given by the Omahas as a tribe. It may be said the Omahas would surrender the criminals to be punished could they be detected. This would be some redress to the *government* of the United States—none to the *citizen* who has been injured. In this case the Omahas not only have made no redress, but they have denied the guilt of their people, though *a witness declared before the agent* he could identify the individuals who had confessed the shooting, and who threatened to shoot Mr. Horr again on the earliest opportunity, and though this witness was known as a companion of the Omahas on their last year's hunt.

Independently of a treaty, the duty of the United States to Judge Horr, as one of their citizens, is, to see that *he* obtains redress for the outrage committed on him without excuse; the duty they owe to the people generally is to teach the Omahas that such deeds will not pass unnoticed, or be permitted to go without an atonement for them.

The Omahas have an annuity of $30,000 per year, payable by the government for the next ten years. This fund is that from which the satisfaction should be drawn for the injury in this case; the process, a deduction, a sequestration in the nature of a reprisal to the amount of the damages the government believes its citizens to have sustained. The committee are unanimous in the opinion that the surest and best mode of preserving peace on the frontier with the Indians is to hold them to the performance of their duty, while this government treats them with justice and forbearance.

The committee ask leave to report by bill for the relief of the memorialist.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 60.

RICHARD B. JONES.

MARCH 12, 1862.—Laid on the table, and ordered to be printed.

Mr. MCKNIGHT, from the Committee on Foreign Affairs, made the following

REPORT.

The Committee on Foreign Affairs, to whom was referred the petition of Richard B. Jones, late consul general at Alexandria, make the following report:

The petitioner represents that he held the office of consul general of the United States at Alexandria, in Egypt, and performed the duties thereof from the 28th day of December, 1852, to the 13th day of December, 1853, a period of 11 months and 16 days, and that, in addition to his consular salary, long since paid, he is entitled, by law and custom, to compensation at the rate of $1,000 per annum for judicial duties devolved upon him by an act of Congress approved August 11, 1848, entitled "An act to carry into effect certain provisions in the treaties between the United States and China, and the Ottoman Porte, giving certain judicial powers to ministers and consuls of the United States in those countries."

After prescribing the nature and character of the commissioner and the consuls to China, the 18th section of said act provides "that, in consideration of the duties herein imposed upon the commissioner, there shall be paid to him out of the treasury of the United States, annually, the sum of one thousand dollars, in addition to his salary: and there shall also be paid annually, to each of said consuls, for a like reason, the sum of one thousand dollars, in addition to consular fees."

By section 22 it is prescribed "that the provisions of this act, so far as the same relate to crimes committed by citizens of the United States, shall extend to Turkey, under the treaty with the Sublime Porte, of May 7, 1830, and shall be executed in the dominions of the Sublime Porte, in conformity with the provisions of said treaty, by the minister of the United States and the consuls appointed by the United States to reside therein, who are hereby *ex officio* vested with the powers herein contained, for the purposes above expressed, so *far as regards the punishment* of crimes."

By the 24th section of the same act it is further provided "that all

such officers shall be responsible for their conduct to the United States, and to the laws thereof, not only as diplomatic functionaries and commercial functionaries, but as judicial officers, when they perform judicial duties, and shall be held liable for all negligences and misconduct as public officers."

Under the provisions of the act above cited, claims for compensation for judicial services have at times been presented to and allowed by Congress, as may be seen by reference to an amendment to the civil and diplomatic appropriation bill approved August 31, 1852, (10 Stat. at Large, page 89,) giving Dabney S. Carr, late minister to Turkey, $7,144 in settlement of his accounts, made up of items, including said compensation. But by the 18th section of the same act, last quoted, it was further enacted: "That no person hereafter who holds, or shall hold, any office under the government of the United States, whose salary or annual compensation shall amount to the sum of two thousand five hundred dollars, shall receive compensation for discharging the duties of any other office." By this section, all claims like the present one, for services after August 31, 1852, from parties whose salary or annual compensation amounted to $2,500 or upwards, appear to be barred. Congress indeed did, by the act of March 3, 1859, (11 Stat. at Large, page 567,) make compensation for judicial services to the widow of D. S. McCauley, late United States consul general in Egypt, from the 14th day of August, 1848, to the 26th day of October, 1852, but it will be observed that all except two months of such services were performed prior to the passage of the restraining section of August 31, 1852, just cited.

In the Senate report (accompanying S. bill 223) of March 31, 1858, on the claim of Mrs. McCauley, the following reply of the then Secretary of State, dated February 2, 1858, is quoted, viz: "That Mr. McCauley was consul during the period claimed, and that he performed judicial services in that capacity there is no doubt; but whether any services of that kind entitled the minister or consuls of the United States in the Turkish dominions to extra compensation has always been deemed questionable by this department, which has never sent to Congress an estimate for such compensation."

Whether or not this appropriation, passed March 3, 1859, in the hot haste of a closing session, may be deemed a precedent which ought to be binding on, or have great weight with, future Congresses, where the circumstances are analogous, it has not been deemed conclusive by the Department of State, for the present Secretary of State, under date of January 30, 1862, in answer to inquiries as to the case of Mr. Jones, replies: "Leaving for the decision of your committee the question as to the propriety of allowing to the consuls of the United States in the Ottoman Empire extra compensation for judicial services."

Another noticeable fact is that when Mr. Jones, the claimant, was appointed, the salary was $3,000 per annum, at which rate he was paid for the first two quarters of his term, but by the appropriation bills of 1853–'54 and 1854–'55, the salary of consul general to Alexandria, in Egypt, was increased to $5,000 per annum, since which it

has been permanently fixed by the act of March 1, 1855, entitled an "Act to remodel the diplomatic and consular systems of the United States," at an annual compensation not exceeding $3,500 per annum.

The presumption does not seem unreasonable that the increase of salary from $3,000 to $5,000, during Mr. Jones's term of office, may have been intended to be full compensation for all services of whatever kind performed by the consul general in Egypt, and thus prevent the constant application to Congress for extra compensation. Whatever may have been the design, the effect was to give to Mr. Jones, for the last two quarters of his official term, such increase of the salary for which he had agreed to serve the government as would cover the amount of the claim which he now presents, as appears by a letter from the Fifth Auditor's office, dated January 18, 1862.

For all which reasons it does not seem that the claims of Mr. Jones has such distinguishing marks or peculiar merit as should exempt it from the limitations of the 18th section of the act of August 31, 1852, already recited. They therefore recommend the following resolution:

Resolved, That the prayer of the memorialist be not granted.

PETITION OF RICHARD B. JONES, LATE CONSUL GENERAL OF THE UNITED STATES IN EGYPT.

To the honorable the Senate and House of Representatives of the United States:

The petition of the undersigned, Richard B. Jones, late consul general of the United States at Alexandria, in Egypt, respectfully represents: That he was appointed to the said office of consul general upon the 28th day of December, 1852, and that he continued to hold and perform the duties of said office until the arrival of his successor upon the 13th day of December, 1853, to wit: for eleven months and sixteen days; and that he likewise performed judicial services, imposed by law upon consuls in the Ottoman Empire, for the like period; that under the provisions of the act of Congress entitled "An act to carry into effect certain provisions in the treaties between the United States and China and the Ottoman Porte, giving certain judicial powers to ministers and consuls of the United States in those countries," approved August 11, 1848, he is entitled to receive compensation for the said judicial services at the rate of one thousand dollars per annum.

And your petitioner also represents that, by acts of Congress, similar claims have been allowed in other cases, and refers to the report of the Senate Committee on Foreign Affairs, No. 145, dated March 31, 1858, upon the principles governing the case, and also to the act for the relief of the widow of his predecessor in office, Daniel S. McCauley, *approved* March 3, 1859, and to other acts of similar *tenor.*

Your petitioner therefore prays your honorable bodies to enact a law for his relief, appropriating the sum of nine hundred and fifty-nine dollars as the compensation aforesaid.

And your petitioner will ever pray.

RICHARD B. JONES.

PHILADELPHIA, *December* 30, 1861.

DEPARTMENT OF STATE,
Washington, January 30, 1862.

SIR: Your letter of the 28th instant has been received. The salary of Mr. Jones, as consul general at Alexandria, in Egypt, was at the rate of three thousand dollars per annum from the date of his appointment, December 28, 1852, until June 30, 1853, when the salary attached to that consulate was, by the act of March 3, 1853, raised to five thousand dollars per annum, at which rate Mr. Jones was allowed compensation for the remainder of his term of service. The allowance to Mr. Jones of an amount equal to three months' salary, for the expenses of his return to the United States, was made pursuant to a regulation of this department in force at that period.

Leaving for the decision of your committee the question as to the propriety of allowing to a consul of the United States in the Ottoman Empire extra compensation for judicial services, I deem it proper to state that if any such services were performed by Mr. Jones, while acting as consul general at Alexandria, the fact does not appear upon the records of this department.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. R. MCKNIGHT,
Committee on Foreign Affairs, House of Reps.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 61.

RAILROAD FACILITIES BETWEEN NEW YORK AND WASHINGTON.

[To accompany bill H. R. No. 361.]

MARCH 13, 1862.—Ordered to be printed.

Mr. JOHNSON, from the Committee on Roads and Canals, made the following

REPORT.

The Committee on Roads and Canals, to whom was referred a bill entitled "An act to secure increased railroad facilities between the cities of New York and Washington," have had the same under consideration, and beg leave to report:

That the incidents of the past year have demonstrated in a striking manner certain great wants of the government, and among these developed wants and weaknesses, none is more conspicuous than the lack of safe, speedy, and reliable railroad communication between the cities of New York and Washington. One of the most depressing seasons that ever befel the country was that period in April last when the present railroad line between these cities was broken up. The extraordinary measures that then became necessary to establish a new line of communication, the extraordinary expense that was incurred by the government in doing so, amounting, it is no exaggeration to say, to millions of dollars, are facts so fresh and impressive as to do away with the necessity of an argument that other and more reliable routes of communication than the existing ones are needed.

The personal experience of members who have been obliged to travel between Washington and New York might safely be appealed to, and with entire unanimity they would declare that a more disagreeable, annoying, and unsatisfactory line of railroad, for the length and importance of it, is not to be found in the United States. From twelve to fourteen hours of time are commonly consumed, when from seven to nine ought to be sufficient. Three changes of cars are inflicted on the great majority of passengers where not one should be tolerated. A failure of trains to connect is frequently occurring, whereas no such break should be possible. On roads of inferior importance such facts might be regarded as only of local and individual concern; but existing on the most travelled and most vital thoroughfare in the Union, they assume the proportions of a national wrong.

Not only in the discomfort and uncertainty inflicted on the travel over this line of railroad is it an offence to the country, but in the special taxation imposed is it unjust and oppressive. Every one who travels between Washington and New York is compelled to contribute a part of the money he pays to the State treasuries of the States of Maryland, Delaware, and New Jersey. The very mails of the government, which it is a tax of millions a year on the people to transport, are subjected to the oppressions of a like spirit of monopoly, the Post Office Department not being able to make with this line of railroads reasonable contracts, but being compelled to pay such price for service as the companies may exact. And at the present time the yearly tribute of the government to these monopolies for mail carrying is $93,050, of which you will find the official evidence accompanying. The late annual report of the Postmaster General calls attention to the impositions inflicted on the government by this and other railroad lines, and admits that the government is "at the mercy of the companies."

These accumulated evils, so recently and so urgently pressed upon the attention of Congress and the country, leave your committee no room to doubt that the intervention of the general government is imperatively demanded, and that no public sentiment is more unanimous than that which demands the establishment of additional, safer and speedier railroad communication between the cities of New York and Washington.

There are several modes proposed of accomplishing this reform. One is the construction of an entire new road between the two cities as nearly as possible in a straight line, and to be built and used chiefly as a military road for the government. There are several objections against such a project. One is its very great cost, which the treasury cannot at this time well afford. The second is, that anything very near a straight line between New York and Washington would be too near the coast line to relieve the road of danger of interruption in case of foreign invasion, which is one of the greatest objections to the present line of road. And lastly, it is never good policy for the government to enter upon a system of internal improvements, however vital to the functions of government, if the ends of government can be served by a judicious intervention of private enterprise.

Your committee, after examination of the whole ground, have come to the conclusion that a new and very valuable improvement can be effected in the communication between the cities of New York and Washington at absolutely no final cost to the government, but only requiring the extension of its credit to a limited amount.

The Reading and Columbia Railroad, in the State of Pennsylvania, now in process of construction, will fill up, when completed, the only link wanted in a continuous line of railroad between Washington and New York, wholly free from the serious breaks in the present line occurring at Philadelphia and Have de Grace. The new route will be inland, entirely out of danger, by remoteness from the coast, of interruption by invasion of the sea-board; it will be free from the

special tax imposed on travel by the States of New Jersey and Delaware; it will afford a quicker and more reliable connexion between the political and financial capital of the country than any route now existing, and by the competition it will introduce against the existing route, it will insure the reduction of fare, and the prompt and effectual performance of public service in the transportation of the United States mails.

To obtain such benefits as these, at once, would, in the opinion of the committee, justify a liberal employment of the government credit. The improvement sought might save millions to the treasury, and prevent great national danger and humiliation in case of foreign war. If they can be obtained without serious cost or outlay, there should, it appears to the committee, be no doubt or hesitation in the matter.

The Reading and Columbia railroad, as any railroad map will show, is admirably adapted to serve the purposes contemplated. The road will be forty-two miles long. A considerable portion—fully one-half of it—is already graded, and the bridges built, the latter being superior stone structures, and the road-bed ready for the superstructure. The northern or Reading terminus of the road will connect with the East Pennsylvania and New Jersey railroad, leading directly into New York. The southern or Columbia terminus will connect with the Northern Central road, leading down to Baltimore. The line established will be thirty miles shorter in distance, and, owing to stoppages in Harrisburg, nearly two hours shorter in time than any inland route between New York and Washington ; making a difference to through travel and transportation, if the thoroughfare should become national, of millions of dollars annually. The route, by being inland and secure from seaboard invasions, would be necessarily somewhat longer in distance than the route by Philadelphia and Havre de Grace ; but, by reason of the delays and interruptions at those points, it would be shorter, in point of time, than the route through Philadelphia.

The Reading and Columbia railroad is, in the opinion of your committee, entitled to the confidence of Congress. It passes through the counties of Lancaster and Berks, Pennsylvania, which are two of the most populous and wealthy in the Union, and have a character that is really national. The sources of wealth and revenue along the line of this road are unusual. The are 83 flouring mills, 223 stores, 13 blast furnaces, 1 large rolling-mill for railroad bars, 10 gun-barrel factories, a number of tanneries and distilleries, 23 lumber yards, and all the incidental improvements that a dense and thriving agricultural country affords. The road passes directly through the well-known Chesnut Hill iron ore veins, and in close proximity to the Cornwall iron ore deposit. It will drain the wheat and flour product of the counties of Lancaster, York, Berks, Lebanon, Lehigh, and Northampton ; and certainly a more remarkable wheat region is not to be found, as the number of flouring mills (83) on the line of the road and in its vicinity sufficiently demonstrates. The coal fields of Schuylkill, Carbon, and Luzerne will also be made accessible to Washington, by this road, by a more direct route than any now used,

and if the connexion were at this time made, not only would government but the citizens of Washington be saving weekly many thousands of dollars now expended in the extravagant prices paid for fuel and every species of marketing.

But it is not thought necessary to go more into detail on this subject. This report is accompanied by authentic tables, showing the nature and value of the products of the counties that this road is penetrating and developing. These products will be found truly enormous, and will satisfy any intelligent mind that the Reading and Columbia road, if never made a part of a national railroad between New York and Washington, would be a safe and profitable enterprise. But if made a link in the grand inland route between those cities (which the desired action of Congress would make it) a safer and better security of the government credit bestowed on any other project would not be possible.

It may be said in reference to this improvement, that it does not cover the whole line of difficulty as to railroad communication between New York and Washington. This is true ; but it does all that the company have power to do. And they really do remove two-thirds of the obstructions to travel existing in the present route, to wit: at Philadelphia, Havre de Grace, and Gunpowder river. They are a State organization, and can operate only on their link of road in the State of Pennsylvania. But that link is vital to the new route, *and must be made.* The improvement of the route through the State of Maryland and the District of Columbia other parties will undoubtedly undertake if the government shall choose to sanction it.

Entertaining these views, and expressing anew their conviction that public sentiment and the national necessities urgently demand new lines of communication between New York and Washington, your committee report the accompanying bill, with a recommendation that it do pass.

The compensation paid for transportation of the mails over the railroads between Washington city and New York is as follows, viz:

	Per annum.
Route No. 3208. Washington to Baltimore, 40 miles, Baltimore and Ohio Railroad Company, $300 per mile, or ...	$12,000
Route No. 3201. Baltimore to Philadelphia, 102 miles, Philadelphia, Wilmington, and Baltimore Railroad Company, $300 per annum, with $6,900 per annum additional for ferry at night and accommodation for agents on night trains	37,500
Route No. 2015. Philadelphia to New Brunswick, 54 miles, Philadelphia and Trenton Railroad Company, $375 per mile, including 25 per cent. on $300 a mile for night service and a third extra trip	20,250

Route No. 2004. New Brunswick to New York, 36 miles, New Jersey Railroad and Transportation Company, $375 per mile, including 25 per cent. on $300 per mile for a third extra trip and night service	$13,500
	83,250
Route No. 2065. Philadelphia to New York, by steamboat and railroad, 93 miles, including branch to Trenton, 6 miles, Camden and Amboy Railroad Company	9,800
Total	93,050

GEO. W. McLELLAN,
Second Assistant Postmaster General.

Statement of pig and rolled iron in the following counties of Pennsylvania during the year ending June 1, 1860.

Counties.	Tons.	Value.
PIG IRON.		
Lancaster	63, 860	$1, 262, 775
Lehigh	92, 668	1, 894, 000
Berks	40, 513	830, 476
	197, 041	3, 987, 251
ROLLED IRON.		
Berks	7, 702	714, 855
Lehigh, (none returned)	.....	.....
Lancaster, bar	300	30, 000
Do....railroad	15, 662	767, 000
Do....boiler and flue	400	40, 000
Do....steel	300	30, 000
	24, 364	1, 581, 855
BLOOMS.		
Berks	1, 880	118, 230
Lancaster	1, 440	94, 000
	3, 320	212, 230

Productions of agriculture in the State of Pennsylvania for the years 1860 *and* 1850.

Productions.	1860.			1850.		
	Berks county.	Lancaster county.	Lehigh county.	Berks county.	Lancaster county.	Lehigh county.
Acres of land—						
Improved	354,672½	445,838	158,940	390,190	402,480	141,935
Unimproved	85,262	92,673½	38,515	92,211	116,053	37,099
Cash value of farm ... dollars	26,516,391	52,599,461	15,518,918	22,163,500	36,393,678	10,318,256
Value of farming implements and machinery ... do	861,354	1,596,332	554,153			
Live stock—						
Horses ... number	16,196	22,983	8,198	14,417	19,075	6,580
Asses and mules ... do	557	1,328	146			
Milch cows ... do	27,807	30,936	11,939	37,927	55,035	15,029
Working oxen ... do	101	1,536	.....			
Other cattle ... do	19,287	32,935	7,140			
Sheep ... do	5,740	7,087	4,232	9,594	19,876	5,297
Swine ... do	38,410	54,896	21,498	43,311	57,535	18,318
Value of live stock ... dollars	2,461,025	3,744,621	1,221,730	.....	.....	.....
Produce—						
Wheat ... bushels	623,330	2,125,722	252,665	577,668	1,365,111	261,301
Rye ... do	512,484	97,001	353,607	1,320,309	1,729,388	617,174
Oats ... do	1,188,024	1,922,922	449,974			
Indian corn ... do	1,196,987	2,648,398	608,280	811,947	1,803,312	397,048
Rice ... pounds	.....	.....	.....	.....	.....	.....
Tobacco ... do	32,435	2,001,547	12,429	200	.....	.....
Ginned cotton, bales of 400 pounds each	.....	.....	.....	.....	.....	.....
Wool ... pounds	14,924½	22,949	18,144½	19,576	29,043	21,920
Peas and beans ... bushels	926½	1,943	594½	1,113	459	60
Irish potatoes ... do	410,540	325,647	308,199	246,477	222,117	181,482
Sweet potatoes ... do	1,402	30,089	1,151½			
Barley ... do	430	32,932	2,284	944	7,377	1,516
Buckwheat ... do	35,165	13,835	35,388	32,372	6,684	28,285
Value of orchard products ... dollars	71,145	69,765	46,514	71,452	30,151	9,155
Wine ... gallons	2,488	6,842	2,566	16,325	1,047	995
Value of produce of market gardens ... dollars	25,439½	25,009	3,838	17,116	14,035	1,456
Butter ... pounds	2,239,083	2,550,887	1,001,923	1,877,221	1,921,186	838,816
Cheese ... do	4,001	49,355	600	.....	.....	.....
Hay ... tons	100,317	116,089½	37,017½	83,257	96,134	30,339
Clover-seed ... bushels	9,178½	12,876½	5,023	6,330	13,466	3,573
Grass seeds ... do	2,476½	3,867½	916½			
Hops ... pounds	281	1,086	662	1,153	470	91
Dew rotted hemp ... tons	.....	.....	.....	2	.....	.....
Water-rotted hemp ... tons	.....	.....	.....	.....	.....	.....
Other prepared hemp ... pounds	.....	204	95	.....	.....	.....
Flax ... do	5,466	1,643	15,110	15,373	7,313	13,319

Flax-seed ... bushels..	703	166½	1,038½	2,192	564	2,340
Silk cocoons ... pounds..	.....	.....	.....	1	6	.....
Maple sugar ... do....	.....	.....	.....	.....	.....	.....
Cane sugar, hogsheads of 1,006 pounds ...	.....	1,630	.....	.....	.....	.....
Molasses, and from what made ... gallons..	8	M. 1,565 S. 1,899	20	100	.....	.....
Beeswax ... pounds..	998	522	878	6,462	7,466	3,926
Honey ... do....	8,146	15,540	10,323			
Value of home made manufactures ... dollars..	5,377½	6,413	7,311	21,175	14,056	9,316
Value of animals slaughtered ... do....	664,806	935,479	277,901	427,676	517,879	162,999

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 62.

EDWIN W. JONES.

[To accompany bill H. R. No. 363.]

MARCH 14, 1862.—Ordered to be printed.

Mr. WOOD, from the Committee on Invalid Pensions, made the following

REPORT.

The Committee on Invalid Pensions, to whom were referred the petition and papers of Edwin W. Jones, asking a pension, report:

That your committee have examined the proof, and think the petitioner, Edwin W. Jones, entitled to a pension. It is proven that he was a private in company B, fifth infantry, United States army, in the late war with Mexico. It appears from the certificate of Dr. Coolidge, the army surgeon, that on the 20th day of April, 1848, the petitioner was honorably discharged on account of general debility. It appears that he was attacked with diarrhœa, which became chronic, and up to the 29th of December, 1859, has continued upon him, and by the proof of three respectable surgeons he is now perfectly prostrated from the effect, and unable to perform manual labor. The proof shows that there is every probability the disease will continue during life.

Your committee being satisfied that the petitioner acquired his disease in the line of his duty, report the accompanying bill, and ask its favorable consideration.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 63.

ROBERT B. BRADFORD.

[To accompany bill H. R. No. 367.]

MARCH 14, 1862.—Ordered to be printed.

Mr. MCKNIGHT, from the Committee on Foreign Affairs, made the following

REPORT.

The Committee on Foreign Affairs, to whom was referred the petition of Robert B. Bradford, praying remuneration for losses, &c., caused by the revocation of his commission as consul general to Simoda in February, 1861, *report:*

That from the statements in the petition, as well as from two letters from the Secretary of State dated February 21, 1861, and February 19, 1862, it appears the petitioner was, on the 26th day of January, 1861, confirmed consul general to Simoda, Japan, and that on the 21st day of the following February his commission was revoked, in consequence of a provision in the treaty between the United States and Japan of July 29, 1858, closing the port of Simoda after January 1, 1860.

That soon after his confirmation the petitioner made arrangements for his departure for his post, selling his furniture, engaging his passage, and was even embarked, with his family, on board the ship "Mandarine," bound for China, when he received the information, through the United States despatch agent in New York, of the revocation of his commission.

Under the peculiar circumstances in the case, the committee are of opinion that the petitioner is entitled to salary from January 24, the date of his confirmation, to February 21, 1861, that of the revocation of his commission, at the rate of $5,000 per annum, the pay of the office at the time of his appointment thereto, and also to a reasonable compensation for the losses he may have incurred by the sale of his furniture and his preparation for departure.

They report a bill in accordance, and recommend its passage.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 64.

TELEGRAPH CENSORSHIP.

MARCH 20, 1862.—Ordered to be printed, and the further consideration postponed to Monday, April 7.

Mr. WILSON, from the Committee on the Judiciary, made the following

REPORT.

The Committee on the Judiciary, instructed by resolution of the House to inquire "if a telegraphic censorship of the press has been established in this city, by whose authority, by whom controlled," &c., submit the following report:

On the 5th of December, 1861, the House passed the following resolution:

"*Resolved*, That the Judiciary Committee be requested to inquire if a telegraphic censorship of the press has been established in this city; if so, by whose authority, and by whom it is now controlled; to report if such censorship has not been used to restrain wholesome political criticism and discussion, while its professed and laudable object has been to withhold from the enemy information in reference to the movements of the army."

To enable the committee to pursue its investigations effectively, the House, on the 8th of January, clothed it with power to "send for persons and papers," &c., and the committee at once entered upon the discharge of its duties.

Much testimony has been taken upon all the points of inquiry directed by the House.

During the "dark days" of April, 1861, the government assumed exclusive control of the telegraph lines leading from this city. This was an act of necessity, arising from the extraordinary perils then surrounding the government, and is in nowise censurable. It was one of those acts of interference with the transmission of intelligence necessary to the safety of the government, and which all good citizens will readily approve.

The censorship seems to have been first under the control of the Treasury Department; then it was transferred to the War Department; then to the State Department, where it remained until the 25th of February last.

Soon after General McClellan assumed command of the army of the

Potomac a series of resolutions were adopted by the representatives of the press, and approved by the general, for the purpose of determining a rule for the guidance of the press in the publication of matter which might be connected with the interests of the government. A paper containing said resolutions was produced before the committee by Mr. H. E. Thayer, the present censor, and reads as follows:

"At a meeting of the representatives of the newspaper press held at Washington, August 2, 1861, after consultation with Major General McClellan, it was unanimously

"*Resolved*, To accede to the following suggestions from him, and to transmit them to the editors of all newspapers in the loyal States and District of Columbia:

"1st. That all such editors be requested to refrain from publishing, either as editorial, or as correspondence of any description, or from any point, any matter that may furnish aid and comfort to the enemy.

"2d. That they be also requested and earnestly solicited to signify to their correspondents here and elsewhere their approval of the foregoing suggestion, and to comply with it in spirit and letter.

"*Also, resolved*, That the government be respectfully requested to afford to the representatives of the press facilities for obtaining and immediately transmitting all information suitable for publication, particularly touching engagements with the enemy."

These resolutions were approved by "George B. McClellan, major general; Wm. B. Shaw, New York Herald; W. W. Harding, Philadelphia Inquirer; J. H. Paleston, Philadelphia North American; W. D. Wallach, Washington Evening Star; Adam S. Hill, New York Tribune; George W. Adams, Cincinnati Gazette and Philadelphia Bulletin; C. C. Coffin, Boston Journal; A. R. Spafford, Cincinnati Commercial; D. W. Bartlett, New York Evening Post; L. A. Gobright, reporter for New York associated press; E. C. Stedman, New York World; W. H. Painter, Philadelphia Inquirer."

A majority of the above-named representatives of the press have testified before the committee, and all agree that the resolutions were understood by the government, represented by General McClellan, and by those acting for the press, to constitute a rule of action for the censor and the press. And, indeed, it would be difficult to arrive at any other conclusion; for, unless the resolutions were for that purpose they are meaningless.

It is stated by many of the witnesses examined that there has been more ground of complaint in the manner in which the censorship has been exercised since the adoption of the above resolutions than before. This cannot be a matter of surprise when we consider the nature of the instructions given to the censor, who presented the following, among others, to the committee:

"DEPARTMENT OF STATE, *October* 22, 1861.

"DEAR SIR: For the present it is deemed advisable to prohibit all telegraphic despatches from Washington, intended for publication,

which relate to the *civil* or military operations of the government, with the exception of the despatches of the regular agent of the associated press, or other despatches which contain the same facts.

"Of course, items of general news, personal movements, &c., &c., are not prohibited.

"Very truly, yours,

"F. W. SEWARD.

"H. E. THAYER, Esq."

This instruction certainly goes far beyond the spirit of the resolutions approved by the government and the press, and it is difficult to undertand why the "civil operations" of the government should be included. It is true that the instruction contains a qualification to the effect that whatever the regular agent of the associated press might send should be free for others. But why select the despatches of the regular agent of the associated press as the rule? Perhaps the testimony of Mr. Gobright, who has for many years been the agent, will cast some light upon this subject. The following is a portion of his examination:

"Question by the chairman. Can you state whether you have been able to send information over the telegraph wires which other correspondents of particular papers have been unable to send?

"Answer. I hardly know how to answer that question. The special correspondents do not tell me their private business, and I do not tell them mine. I have no complaint to make of the censor, but perhaps I can make an explanation which will render this matter clear. My business is merely to communicate facts. My instructions do not allow me to make any comments upon the facts which I communicate. My despatches are sent to papers of all manner of politics, and the editors say they are able to make their own comments upon the facts which are sent to them. I therefore confine myself to what I consider legitimate news. I do not act as a politician belonging to any school, but try to be truthful and impartial. My despatches are merely dry matters of fact and detail. Some special correspondents may write to suit the temper of their own organs. Although I try to write without regard to men or politics, I do not always escape censure."

The effect of the instructions given to the censor, when they are construed by the rule which guides the agent of the associated press in making up his despatches, is to prohibit the transmission of despatches containing comments and criticisms upon the "dry matters of fact and detail" allowed to pass over the wires. "Dry matters of fact and detail," collected for transmission "to papers of all manner of politics," will seldom embrace anything which persons in high official position consider injurious to their interests. The rule, if carried to the full extent of its legitimate consequences, would develop a most inexorable censorship. It has already tended too far in that direction.

Several witnesses were examined concerning the extent to which the censorship is applied to despatches relating to the action of the

government and its officers, both civil and military. Upon this branch of the subject Mr. S. Wilkeson, correspondent of the New York *Tribune*, testified as follows:

"The general result of my observation since I have come into contact with this new institution of the censorship of the press is, that I am not permitted to send anything over the wires which, in the estimation of the censor, the Secretary of State, or the Assistant Secretary of State, shall be damaging to the character of the administration or any individual member of the cabinet, or that would be injurious to the reputation of the officers charged with the prosecution of the war, and particularly those of the regular army. That is the general result."

The following occurs in the testimony of B. Perley Poore, correspondent of the Boston *Journal:*

"Question. Suppose you had received information from a reliable quarter which clearly indicated the impolicy of trusting a command to General McClellan or any other officer in the army, would you have tried to transmit it by telegraph?

"Answer. I would not have tried, because I understood that it was the request of the army that it should not be embarrassed by any remarksof the telegraph."

* * * * * * * *

"Question. Did you understand that you would be restrained from any criticism upon the general conduct or particular conduct of army officers?

"Answer. Yes, sir; distinctly. I would think it useless to write anything of the kind.

"Question. Then, if you had information authentically that an officer, by reason of intoxication, or for any other cause, was totally disqualified for his command, would you believe that you could not transmit that by telegraph?

"Answer. Certainly I would. The suppression of the little despatch that a certain officer's friend denied the report about him will show that I am correct.

"Question. Did you understand that you could not criticise the every-day conduct of a cabinet officer?

"Answer. I did."

The witness says he derived this understanding from the censors.

Mr. W. B. Shaw, who is connected with the *Times* and *Tribune*, (New York,) testified as follows:

"I think I sent in a despatch about General Cameron being suspended, but that despatch was suppressed. It was held that we ought not to animadvert in any particular upon the government or any of its officials. That seemed to be the idea which controlled the censors. We were not permitted to criticise the officers of the cabinet."

The correspondents generally seem to have the same understanding of the rule by which the censor determines what may and what may not be sent over the wires to their respective papers.

Very few despatches reflecting on members of the cabinet or other

civil officers were found among those suppressed by the censor. The witnesses examined by the committee explain this by stating that they seldom prepared such despatches, as they understood they would not be permitted to send them over the wires.

The gentleman selected to act as censor, while he doubtless is a very honest and upright man, seems to be wholly destitute of qualifications necessary to fit him for the discharge of so delicate an office. His own testimony shows him to be a man of limited experience, with a very meagre knowledge of public affairs and political questions, interests, or principles. His testimony upon this point is as follows:

"Question by Mr. Porter. What was your occupation before you went into the telegraph business?

"Answer. My original trade was that of a mathematical instrument maker.

"Question. Have you ever held any office before?

"Answer. No, sir; and I never asked for any.

"Question. Were you ever connected with political life?

"Answer. No, sir.

"Question by Mr. Thomas, of Massachusetts. Have you made the interests of the government a particular study?

"Answer. No, sir; I never cared enough for politics to study them. I did not wish to be mixed up in them."

The perfect indifference to political matters and the absence of a just appreciation of the interests of the government are perfectly apparent throughout the witness's testimony, and show him to be almost totally unqualified for the position which he occupies, and from this want of qualification has sprung the cause of much of the complaint made by the press, and which, had a proper person been selected as censor, might have been avoided in a great degree, even under the peculiar instructions given by the Assistant Secretary of State.

In order to afford the House an opportunity to judge of the committee's conclusion as to the fitness of the censor for the very delicate position which he holds, and to show the character of the despatches suppressed, a number of such despatches are here copied. The numbers indicate separate despatches.

Mr. Wilkeson, correspondent of the New York Tribune, presented the following despatch:

1. "There was wrathful debate to-day in the House over the cost of printing one batch of treasury notes—four hundred and fifty thousand dollars."

"That," remarked the witness, "was allowed to go over the wires. The portion suppressed was as follows:"

"Wait till the bills come in for engraving and printing a useless diploma of honor for all the soldiers enlisted during the war—a job authorized by a department which has nothing to do with soldiers or sailors."

The department referred to was the State Department, and the despatch had reference to a "job," concerning which the witness

said he had information that it would "cost four hundred thousand dollars."

2. "Rumors of cabinet changes grow thick and fast, assigning Senator Fessenden to Secretary Welles's place; Rosecranz to Banks's command, and Banks to McClellan's place; Smith to the supreme bench, and Thompson or Schuyler Colfax to the Department of the Interior. Chase has been alternately given to the Senate, in Ben. Wade's place, and to the Supreme Court; but the news from Ohio to-day is, that that great State will insist upon another term of service from the brave senator who has compelled the south to fear and respect the western reserve."

3. "On Monday night a council was held at the Capitol between all the members of the cabinet and the war investigating committee. The session lasted three hours. The propriety of silence as to the debate and the conclusion it was brought to are obvious. It may not be improper, however, to state that the cabinet officer whose life has been spent in courts of law led the demand for immediate battle, and that the counsel for delay came most obstinately from the heretofore belligerent member of the administration."

4. "*September* 15.—General Stone had an interview with the President to-day."

That, says the witness, was allowed to go over the wires, while the following portion of the same despatch was suppressed:

"Ball's Bluff affair discussed, the President appearing to think General Stone, to some extent, responsible for the disaster. Several members of the cabinet present. General Stone's friends confident that he will be cleared altogether."

5. "General Stone is said to have issued an order reflecting upon the report of the Ball's Bluff affair, made by Colonel Hinks. Colonel Hinks has demanded a court of inquiry."

The witness adds: "They would not let us say anything about Ball's Bluff or about General Stone."

6. "*January* 12.—Roscoe Conkling receives daily letters of thanks and of compliment for his bold arraignment of the military blundering," [at Ball's Bluff.]

That was allowed to pass over the wires, but the following was stricken out:

"Which made Ball's Bluff a graveyard for the flower of the army."

7. "*December* 16.—Considerable dissatisfaction is felt with General Sherman. Several senators and other persons of influence have urged the President to put some other man in command of the department of South Carolina. This probably is the only foundation for a rumor that the cabinet decided, on Saturday, to supersede Sherman."

8. "*January* 28.—Burnside, like a practical Yankee and an unprejudiced volunteer, took out a quantity of spare muskets."

9. "General Lander's rage against the commander responsible for the results of the Edwards's Ferry defeat, whoever he may be, is outspoken. He does not hesitate to say he should be hung."

10. "*January* 16.—The Secretary of the Treasury, before tele-

graphing last night the despatch to the associated press about the agreement between himself and the bank committees, sought the acquiescence of the Committee of Ways and Means. It was refused, only one member of it favoring the arrangement that has been made. Candor requires us to say that this arrangement is no more favored in Congress than it is in the committee room. The treasury note bill, however, (Spaulding's,) will not be pressed just now."

11. "The second Minnesota regiment has been ordered by Governor Ramsey to come to Washington. It is understood here that the western brethren are more than dissatisfied with the withdrawal of their troops from the Mississippi valley for the defence of our Atlantic river line, which they think it is the duty of the northern and eastern men to take care of."

It appears, from the testimony taken by the committee, that a rumor had found its way in the newspapers that Colonel Scott, the Assistant Secretary of War, had been arrested for treason. To correct this rumor the following despatch was prepared, but it was suppressed by the censor:

12. "The most jacobinical rumors of the arrest of gentlemen of high executive and clerical position in the War Department agitated the city this morning. No more patriotic and certainly no abler officials are now warring against rebellion and slavery than Mr. Cameron's Assistant Secretary and his chief clerks."

Among the many despatches written by Mr. Mitchell, correspondent of the New York Times, and suppressed by the censor, the following may be found:

13. "*November* 24.—Vessels laden with stone have sailed direct to the harbors of Charleston and Savannah, and before the end of this week they will be sunk in the channels, and the blockade of those cities rendered effectual for many years to come."

14. "*December* 2.—It was fully determined last evening to communicate the message to Congress to-day, provided there was a quorum present. At an early hour this morning an extraordinary session of the cabinet was called, when, it is said, some serious misunderstanding or difficulties arose, which were not settled at a late hour to-day, and which prevented the important document from being transmitted to Congress. The President will undoubtedly adhere to his original purpose of taking a conservative view of the vital matters at issue, and will not be swerved by any outside pressure from what he conceives to be his plain duty under the Constitution."

15. "Secretary Cameron, while yielding to the President's wish to have no discordant views presented to Congress, nevertheless insisted that others, not himself, should take the responsibility of eliminating the objectionable recommendations from his report. But after another hand had done this could Mr. Cameron's name remain to the report as fathering it? This question was not settled as easily as might be supposed, and may yet be heard from in a result not generally anticipated."

From the many despatches of Mr. Adams, correspondent of the New

York World, and other journals, which were suppressed, the following are copied:

16. "*November* 9.—General Halleck, in obedience to orders issued to-day, will immediately assume command of the department of the west in place of Frémont. General Hunter has been assigned another command."

17. "*December* 14, 1861.—Baker's California regiment are going into winter quarters in this city. Barracks are erecting for that purpose."

Concerning this despatch witness says: "I cut that fact out of the Republican of this city the same morning."

18. "Information of a reliable character has been received here confirming the report that the Mexican government intends to issue letters of marque and reprisal for prey on the commerce of France and Spain."

19. "Painful rumors, involving connexion with high authority, prevail in regard to giving the rebels valuable information, is believed will be wholly disproved."

The following are selected from the suppressed despatches of B. Perley Poore, correspondent of the Boston Journal:

20. "*January* 4, 1862.—The friends of Adjutant General Thomas deny the truth of the report that a member of his family has communicated information to the rebels.

"Governor Boutwell has been invited to deliver an address here on February 22. Slight snow storm."

21. "*January* 16, 1862.—It is rumored that when Mr. Stanton's nomination was first presented to the Senate his personal friend, Mr. Sumner, moved its immediate confirmation. Other northern senators desired to know his sentiments, and it was positively ascertained that he is in favor of a vigorous prosecution of the war. He does not feel that the war is for the preservation of slavery, and will not sanction the employment of troops for the arrest of alleged fugitives."

In this connexion it may stated that this witness stated: "I understood that I was to send nothing over the wires concerning General Stone's rendition of slaves."

Examples of suppressed despatches of as harmless a nature as the foregoing ones might be given to an almost indefinite extent, but it is unnecessary to do so, as those cited are sufficient to show that the censor must either have had other instructions than those which appeared in testimony, or was most unfortunate in the exercise of the powers given to him by the Secretary of State; which, in the opinion of the committee, went far beyond the bounds of propriety, considering the boasted freedom of the press of this country.

In several other respects the censor has manifested want of both care and judgment in the exercise of his duties. In some cases he has suppressed despatches which were made up of paragraphs cut from the newspapers of this city, and which had been circulating for hours in all the stores, shops, and hotels, and through all the streets of the city, before being offered to the censor for transmission to the New York papers. The despatches were not of a military character in some instances; and if they had been, the proper course for the

government to have pursued would have been to prevent the publication of them in the papers of this city, and thus have made the censorship effective.

Another instance of want of care and judgment occurred in connexion with the last annual message of the President of the United States. It appears in the testimony taken by the committee that the correspondent of the New York Tribune, a few days before the meeting of Congress, sent to the telegraph office a despatch for transmission to said paper, professing to give some information touching the contents of the message. The censor suppressed the despatch. Later, but before the message was delivered to Congress, the correspondent of the New York Herald, by some means, succeeded in transmitting to that paper, by telegraph from this city, a despatch disclosing portions of the message. After the Herald containing that despatch arrived in this city, the correspondent of the New York World attempted to send a telegram to his paper merely calling the attention of the managing editor to the despatch in the Herald; but the censor would not send it forward, but suppressed it. The testimony of the correspondent on this point is as follows:

"Question by the chairman. Do you know how a portion of the President's message, published in the New York Herald previous to its delivery to Congress, got to New York city?

"Answer. I do not know. A despatch which I attempted to send, referring the managing editor of the World to that telegraph in the New York Herald, was not allowed to go.

"Question. How did you know about that despatch in the Herald?

"Answer. I saw it in the Herald, which came here that evening; and my despatch to the editor in New York was with a view to have him write an article in the tenor of the Herald despatch. When I took my despatch to the telegraph office the censor told me it would not be allowed to go."

The testimony taken by the committee shows conclusively that the despatch to the Herald was sent from this city by telegraph, but it does not show that the censor had personal knowledge of the fact. It may have been sent by one of the employés in the telegraph office, but this would only show a want of proper rules and regulations for the guidance of the persons employed in the office, and would not justify the censor.

In relation to the "Trent affair," the censor testified that his instructions were to let nothing go over the telegraph line concerning the settlement of that "affair" prior to the publication of the official correspondence between Mr. Seward and Lord Lyons. He says, however, that he did not receive his instructions until 2 o'clock on Friday, the 27th of December. The correspondence was published in the National Intelligencer on Saturday morning, December 28. At 2 o'clock his instructions were positive; yet at two o'clock and forty-five minutes he permitted the following despatch to go over the wires:

"Act as if you heard some very good news for yourself and me as soon as you get this.

"W. H. RUSSELL.

"SAMUEL WORD,
"*New York Hotel, New York.*"

Any man of ordinary discernment ought to have detected in this despatch the very information which the censor testifies he was directed not to send over the wires. Certainly we are under no obligations to W. H. Russell, correspondent of the London Times, to extend privileges to him which our own citizens could not have extended to them. His conduct, as a correspondent of the Times, entitles him to no special favor at the hands of this government, or of any of its agents. Yet the government censor, in violation of his instructions, permitted Mr. Russell to make that use of the telegraph which was denied to our own citizens after 2 o'clock on the 27th of December, 1861. Doubtless Mr. Russell's friend, Word, made profitable use of the information thus furnished him; for the testimony shows that stock speculations in New York were active and remunerative to those who possessed the secret of the Trent settlement. As early as Thursday, the 26th of December, stock speculations were being carried on by a few parties who possessed the knowledge of the result of the "Trent affair." It does not appear, however, that any member of the administration, or any person officially connected with the government, was interested in these speculations.

Concerning the means by which a banking house in this city became possessed of information relating to the settlement of the "Trent affair," the following testimony of Mr. H. G. Fant, of this city, was taken by the committee:

"Question. Did you have information on the 26th to satisfy you that it (the Trent affair) would be amicably adjusted?

"Answer. I felt perfectly satisfied on the subject.

"Question. From what source did you receive that information?

"Answer. From nobody in any way connected with the government.

"Question. From what source did your informant receive his information?

"Answer. I could not say positively.

"Question. You commenced your orders for the purchase of stock on the 26th?

"Answer. Yes, sir; Thursday, the 26th.

"Question by Mr. May. You say that you felt perfectly satisfied that the Trent affair would be amicably adjusted?

"Answer. Yes, sir.

"Question. Can you give your reasons?

"Answer. Among other reasons a gentleman, formerly a clerk in the Interior Department, mentioned to his brother-in-law that Mr. Hedrick, a clerk in the Interior Department and a connexion of Mr. Smith's, I believe, had overheard, or learned in some way at Mr. Smith's house, that the Trent affair had been satisfactorily arranged

by the administration. That information came to a gentleman from Minnesota, whose name I don't remember, and he communicated it to this person who was formerly a clerk in the Interior Department, and he gave it to a gentleman who gave it to me. That was on Thursday, and on that information I relied in part," &c.

In this same connexion, but in another portion of his testimony, Mr. Fant made this statement:

"I had a conversation with Robert G. Corwin. He was in my bank, and I called on him. I gathered enough from him to judge that the affair would be settled satisfactorily."

Upon this point Mr. Robert G. Corwin's testimony is in part as follows:

"Immediately after the meeting of the cabinet Mr. Fant called on me and told me he had learned from a publication in the New York *Herald*, and from a rumor which was upon the street here, that Mason and Slidell were to be given up; that if that were true, it would be a pecuniary matter of interest to him, and he would make it so to me. I asked him in what way. He said if he knew the fact that they were to be delivered up he could buy stocks, and that those stocks would appreciate in value after the thing was developed. I told him I would find out. I went into Mr. Smith's office, where several persons were talking about the matter. I discovered very soon that Mr. Smith had entirely changed. He was now in favor of the change. In the course of the conversation—I don't remember whether I asked him the question or not—he remarked that the communication from Mr. Seward to Lord Lyons would be made or had been made that day. I went back and sent in to Mr. Fant, stating that his impressions were correct, and that the communication had been made. Some time afterwards Mr. Fant came to see me, and said that the operation had not resulted as he expected; that the news was known to everybody as soon as it was known to him; that he had made some money, and he showed me some stocks that he had bought. I understood him to state that my share was thirteen hundred dollars, and, with an account, he gave me a check for that amount of money."

It also appears from Mr. Corwin's testimony that stock speculations, based on the settlement of the "Trent affair," were carried on to a considerable extent; but not by officers of the government, so far as he knew.

The settlement of the "Trent affair" was a most important event, and a shrewd man in charge of the censorship would at once have detected in the peculiar despatch of W. H. Russell, and the despatches concerning the purchase of stocks, the very information which the censor says he was specially instructed to "cut out" of all despatches, until after the publication of the official correspondence.

The censorship, except so far as the same related to military affairs, was vexatious to the press—needlessly so, in the opinion of the committee; and yet the whole blame cannot be cast upon the censor, for he was but the agent of his principal. But in the exercise of his powers he might, without violating his instructions, have avoided many of the grounds of complaint presented by the press. Still, in

this view of the case, the censor is not the only person at fault; for it appears in the testimony that, upon complaint being made to the Secretary of State, he expressed himself satisfied with the manner in which the censor was discharging his duties, although the Secretary was, doubtless, ignorant of most of the particular grounds of complaint against the censor.

The censorship seems to have been without any clearly defined limits, after the departure from the original agreement between General McClellan and the representatives of the press. A wide discretion was placed in the hands of a person poorly qualified to exercise it.

No adequate measures seem to have been adopted to prevent the transmission of what the censor denominated "contraband" intelligence through the telegraph offices of Baltimore, Philadelphia, New York, and other important points. Information upon almost any subject, which the censor in Washington would suppress, could be sent over the wires from other points. Everything suppressed by the Washington censor could reach New York and other cities by mail with but a few hours' delay; and many of the suppressed despatches were so sent, especially those not relating to military movements. The want of system could produce delay and vexation, but could not accomplish the design of the officer controlling the censorship. The foregoing portion of this report presents the general scope and character of the "telegraphic censorship of the press" as it existed for several months prior to the 25th of February last, on which day the control of the censorship was transferred from the Department of State to the War Department, and the following order was issued:

"WAR DEPARTMENT,
"*Washington. February* 25, 1862.

"*Ordered*, That, from and after February 26th, the President, by virtue of an act of Congress, takes military possession of all telegraph lines in the United States.

"*Second.* All telegraph communications in regard to military operations, not expressly authorized by the War Department, the general commanding, or the generals commanding armies in the field in the several departments, are absolutely forbidden.

"*Third.* All newspapers publishing military news, however obtained, and not authorized by official authority, will be excluded thereafter from receiving information by telegraph, or from transmitting their papers by railroad.

"*Fourth.* E. S. Sanford is appointed military supervisor of telegraphic messages throughout the United States, and Anson Stager military superintendent of all telegraph lines and offices in the United States.

"*Fifth.* This is not intented to interfere in any way with the ordinary business of companies, or private business.

"By order of the President:

"E. M. STANTON."

This order gave rise to some complaint on account of the extraordinary provisions embraced in the third paragraph. On the 26th of February the following explanation and modification of the order was published:

"WASHINGTON, *February* 26, 1862.

"SIR: I am directed by the Secretary of War to say that the order in respect to the seizure by the police of newspapers publishing dangerous war news was limited to papers issued this day only.

"He further directs me to say that newspapers may publish past facts, leaving out all details of military force, and all statements from which the number, position, or strength of the military force of the United States can be inferred.

"Respectfully,

"E. S. SANFORD,
"*Military Supervisor of the Telegraph.*

"Hon. J. M. WIGHTMAN, *Mayor of Boston.*"

That this explanation and modification should have been issued by Mr. Sanford, and not by the Secretary of War, may seem a little singular; but as it has been acted upon and reissued by the censor and other officers as regular, its form will not be complained of.

Since the 25th of February the committee is not aware of any interference on the part of the censor with any despatches except those of a military character.

The representatives of the press who have testified before the committee have manifested no disposition to complain of the suppression of despatches of a military character which could in any manner be tortured into disclosures of information to the enemy which might in the slightest degree embarrass the government. They have uniformly expressed themselves as willing to submit to the rules established by the agreement between themselves and General McClellan.

The committee answer the points of inquiry directed by the resolution of the House as follows:

1. A telegraphic censorship of the press has been established in this city.

2. The censorship existing at the time the investigation was directed by the House was originally established upon the basis of the agreement between the representatives of the press and General McClellan, but was enlarged in its scope by the Secretary of State.

3. At the time the inquiry was directed by the House, and for some months prior to that time, and until the 25th of February last, the censorship was controlled by the Secretary of State.

4. The original design was to prevent the publication of military information which might be of advantage to the rebel authorities.

5. Despatches, almost numberless, of a political, personal, and general character have been suppressed by the censor, and correspondents have been deterred from preparing others because they knew they could not send them to their papers by telegraph.

The telegraph has become a most important auxiliary to the press of the country, and should be left as free from government interference as may be consistent with the necessities of the government, in time of war. These necessities cannot extend beyond what may be legitimately connected with the military or naval affairs of the nation, and to these should government interference with the transmission of intelligence be confined, for it is this character of information alone which can be of importance to the enemy, and which may be properly withheld from the press and public in order that it may not reach the enemy. The committee therefore recommend the adoption of the following resolution by the House:

Resolved, That the government should not interfere with the free transmission of intelligence by telegraph when the same will not aid the public enemy in his military or naval operations, or give him information concerning such operations on the part of this government except when it may become necessary for the government (under the authority of Congress) to assume exclusive use of the telegraph for its own legitimate purposes, or to assert the right of priority in the transmission of its own despatches.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 65.

W. S. GRANT.

[To accompany bill H. R. No. 354.]

Mr. RICHARDSON, from the Committee on Military Affairs, made the following

REPORT.

MARCH 31, 1862.—Ordered to be printed.

The Committee on Military Affairs, to whom was referred the petition of Lieutenant W. S. Grant, having had the same under consideration, beg leave to report:

Lieutenant W. S. Grant was quartermaster for the 4th infantry, in 1847 and 1848. At Tacubaya, Mexico, Lieutenant Grant had $1,000 in silver, belonging to the quartermaster's department; the lock on his trunk being broken, and having no place of security in which to keep the money, he deposited the entire amount in the trunk of Captain Gore, an officer of the same regiment. Subsequently the trunk of Captain Gore was stolen from Gore's tent, with the money in it, and other effects.

The facts, as here set forth, are fully established by the sworn statement of Lieutenant Grant, as also of the testimony of Captain Gore and Lieutenants Jones and De Russey.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 66.

ROBERT F. WINSLOW.

[To accompany bill H. R. No. 379.]

APRIL 2, 1862.—Ordered to be printed.

Mr. RICHARDSON, from the Committee on Military Affairs, made the following

REPORT.

The Committee on Military Affairs of the House of Representatives, to whom was referred the memorial of Colonel Robert F. Winslow for payment for services rendered by him in organizing a regiment of infantry volunteers in the State of Illinois, and also to be reimbursed certain moneys advanced by him, have had the same under consideration, and respectfully report:

That it has been satisfactorily shown by the sworn statement of Dr. Joseph Shugart, the surgeon of the regiment, that on the 6th of August, A. D. 1861, the memorialist received authority from the Secretary of War to raise a regiment of infantry volunteers, and that immediately thereupon he left a lucrative professional business, yielding himself and partner an income of between five and six thousand dollars per annum, and applied himself exclusively and diligently to organizing the said regiment; that in doing so, the memorialist necessarily expended three hundred and seventy-five dollars in the employment of recruiting officers, and succeeded in enrolling between six and seven hundred men, nearly all of whom are now in the service of the United States in the fifty-seventh regiment of Illinois volunteers, under Colonel Baldwin.

That the memorialist established a camp of rendezvous and instruction for said volunteers at Princeton, in said county of Bureau, and gave personal attention to their instruction, and was indefatigable in his exertions to render them efficient and to prepare them for active service at the earliest possible period. That the memorialist was supplied with tents, subsistence, and camp equipage for said regiment, all of which was in the charge of said memorialist. That in October, 1861, a large number of said volunteers were seduced from under the command of the memorialist by false representations made to them by certain recruiting officers from Missouri. That, at the instance of the memorialist, the said volunteers were arrested by Governor Yates while they were on their way to St. Louis, and that, in

consequence thereof, they became disaffected towards Colonel Winslow, and Governor Yates was compelled to consolidate them, together with the residue of the command, with the fifty-seventh regiment aforesaid. The committee have also been furnished with the certificate of his excellency Richard Yates, governor of Illinois, mainly establishing the same facts, and expressing the opinion that the assignment of said men operated very much to the injury of the memorialist; and that had he not been interfered with he would have raised a fine regiment, and made a good officer, and stating that in his judgment, the memorialist ought to be compensated in full for his time and for the money he expended in recruiting the men. The committee are fully satisfied that the memorialist intended in good faith to complete the organization of his regiment and to lead them to the field, and that he was prevented by circumstances over which he had no control. By the consolidation of his men with another regiment the memorialist has been deprived of all the fruits of his exertions, and it would be injustice to refuse him compensation for the services he has rendered the country in adding to its effective force in the field a large body of men. Your committee, therefore, recommend the House of Representatives to allow the memorialist six hundred and ninety-four dollars and forty-eight cents, being the rate of pay and commutation allowed by law to colonels of infantry, the same being computed for three months and four days, during which the memorialist was actually in charge of said volunteers, to wit: from the sixth day of August, 1861, to the tenth day of November, in the same year; and also three hundred and seventy-five dollars, expended by the memorialist in employing recruiting officers to obtain a portion of said men, amounting together to the sum of eleven hundred and eighty-eight dollars and eigty-two cents, ($1,188 82.)

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 67.

ABELARD GUTHRIE.

[To accompany bill H. R. No. 381.]

Mr. LOOMIS, from the Committee of Elections, made the following

REPORT.

APRIL 3, 1862.—Ordered to be printed.

The Committee of Elections, to whom was referred the memorial of Abelard Guthrie, praying to be allowed mileage and per diem as delegate from Nebraska to the thirty-second Congress, have had the same under consideration and respectfully report:

On the second Tuesday of October, A. D. 1852, the people of Nebraska, (then an unorganized Territory,) desiring to secure a territorial government, elected the memorialist as their delegate to the thirty-second Congress.

In pursuance of this election he came to Washington, and on the 17th day of December, 1852, presented his memorial to the House of Representatives, asking to be admitted as a delegate. This memorial was duly referred, and a report was made thereon and ordered to be printed, but no further action was had upon it. But a bill was immediately introduced for the organization of a government for that Territory, which passed the House of Representatives on the 18th day of February, 1853, by a vote 98 yeas to 43 nays. The bill was sent to the Senate, and there received the approval of the Committee on Territories, but as the session terminated on the 4th of March following it failed to become a law, and the memorialist was never admitted as a delegate, nor was any compensation ever allowed him for coming and remaining here for the purposes aforesaid.

The memorial now under consideration asks for the usual per diem and mileage, as before allowed in similar cases. This claim has long been pending before Congress.

On the 19th of July, 1856, the Hon. Israel Washburn, as chairman of the Committee of Elections, made a report in favor of the claim, accompanied with a bill granting the memorialist mileage not to exceed two thousand dollars, and his per diem of five dollars per day from the time of presenting his memorial at the 2d session, 32d Congress, to the close thereof, but no further action was had thereon.

Your committee find that several claims similar to the one now under consideration have received the sanction of both houses of Congress.

In 1850 Hugh N. Smith petitioned the House to admit him as delegate from New Mexico, and A. W. Babbitt made application to be admitted as delegate from Utah. To these applications it was objected, among other things, that the Territories which they claimed to represent were unorganized, and that their boundaries had never been defined; and, further, that these gentlemen were appointed by delegates to territorial conventions or assemblies, and not chosen by the people in their primary meetings. The decision of the House was adverse to the claimants, but Congress passed an act to pay them mileage and per diem.

These cases are similar in principle to that of the memorialist, or, if there be any difference, it is in favor of the latter, as he was designated or elected by the people themselves in their primary assemblies.

Your committee believe that it was important to have an organized government for Nebraska at the time the people of that Territory sent the memorialist here as their delegate.

In the years 1849 and 1850 it is estimated that more than one hundred thousand emigrants passed through that Territory on their way to California, Utah, New Mexico, and Oregon.

The memorialist came here in good faith and with good reason to believe that the Territory would be organized, and he admitted as a delegate. The vote of the House before mentioned recognized in a most emphatic manner the propriety of its organization, and must have made the memorialist feel confident that he would be admitted to his seat as a delegate before the close of the session.

Your committee, therefore, recommend the passage of the accompanying bill.

A.

To the House of Representatives of the United States now in session:

GENTLEMEN: Your memorialist begs leave to represent to your honorable body that he was elected by the people of Nebraska Territory as their delegate to the second session of the 32d Congress; that he accepted the trust, came to Washington, presented his credentials, and exerted his best abilities to serve his constituents, but was not admitted to a seat in the House, for the reason that there had been no Territorial government for Nebraska established, and therefore the election was unauthorized by law. A bill, however, was immediately introduced into the House for the organization of a government for Nebraska, and passed the House of Representatives, but was lost in the Senate.

It was confidently believed by the friends of the measure that the bill would pass the Senate, and that I would then be immediately

admitted to a seat in the House as delegate, and this confidence continued up to the last day of the session, when it was too late, amidst the general press of business, to take the necessary steps to obtain an appropriation for my per diem and mileage; and since that time a long and painful illness has made it impossible for me to bring the matter to your notice. I am fully aware that there is no law authorizing payment in such cases, and therefore I throw myself upon the generosity of Congress, as did the delegates from Utah and New Mexico, who came here under similar circumstances, before governments were organized for those Territories, and were paid. And I respectfully ask to be treated with the same liberality.

Very respectfully,

ABELARD GUTHRIE.

WASHINGTON CITY, D. C., *June* 14, 1856.

B.

Personally appeared before me, Thomas J. Williams, a justice of the peace for the District of Columbia and county of Washington, Abelard Guthrie, who, being duly sworn, deposeth and saith that, in pursuance of public notice, an election was held in the Territory of Nebraska on the second Tuesday of October, 1852, for a delegate to represent the said Territory in the Congress of the United States, and that at the said election he received a majority of all the votes given, and was declared duly elected. That the evidences of his election, consisting of the poll-books and tally-lists of each precinct, or certified copies thereof, were handed, together with a memorial setting forth the facts of said election and praying to be allowed a seat in Congress, to the Hon. Mr. Phelps, of Missouri, to be presented to the House; and that Mr. Phelps afterwards told him that he had presented them, which he believes to be the fact, for in subsequent conversations with the Hon. Mr. Ashe, then chairman of the Committee of Elections, he alluded to them as being before his committee. The deponent further states that he has caused search to be made for these papers in the office of the Clerk of the House of Representatives, and they cannot be found.

Given under my hand and seal this 2d day of July, 1856.

THOS. J. WILLIAMS, [L. S.]
Justice of the Peace.

C.

WASHINGTON CITY, D. C., *June* 30, 1856.

SIR: I called upon Mr. Buck, who made a search for my papers, but they can nowhere be found. The following is an extract from the journal of the House of Representatives, second session of the thirty-second Congress:

"FRIDAY, *December* 17, 1852.

* * * * * * * *

"By Mr. Phelps: The petition of Abelard Guthrie, praying to be admitted to a seat in this House as a delegate from the Territory of Nebraska; which was referred to the Committee of Elections."

This record does not state, as it should have done, that my credentials were with the memorial. The committee to whom they were referred did not, I believe, make a report, for the reason, as I stated in my former letter, that I desired it kept back until the bill organizing the Territory should have passed both houses.

I was in Washington a short time during the latter part of the winter of 1854, when I memorialized Congress for my pay and per diem, but left soon after, and no action was had upon my application. In the journal of the House of Representatives, first session thirty-third Congress, is the following entry:

"THURSDAY, *February* 23, 1854.

* * * * * * * *

(P. 408.) "By Mr. Edgerton: The memorial of Abelard Guthrie, to be allowed mileage and per diem as delegate from Nebraska Territory. Ordered that said petitions, letter, and memorial be referred to the Committee on the Judiciary."

I think it quite probable that among these "said petitions, letter, and memorial" were the original evidences of my election presented by Mr. Phelps on the 17th December, 1853. They were, however, referred to the wrong committee. I was told when I started home that they would, if opportunity offered, be reported back to the House and be referred to the Committee of Elections. This was probably never done, and yet they are not on file with the papers of the Judiciary Committee.

There was evidently culpable neglect in some quarter, but I do not know who was to blame. But I do not think it reasonable or right that I should lose my claim from this cause. The records of the House present facts enough, I think, to justify the hope that you will grant the relief I ask.

My credentials consisted of one of the poll-books and tally-list from each precinct, or certified copies thereof; I am not certain now which. These, under the circumstances, were thought to be the best evidences of election that I could present. They, and my memorial accompanying them, were, I believe, all the papers submitted to the House on the occasion of my asking a seat as delegate from Nebraska.

I am, sir, very respectfully, yours,

ABELARD GUTHRIE.

Hon ISRAEL WASHBURN,
Chairman Committee of Elections.

P. S.—Enclosed herewith is an affidavit setting forth the facts of my election.

D.

WASHINGTON CITY, D. C., *June* 26, 1856.

SIR: I desire to say a few words explanatory of the circumstances connected with my application for mileage and per diem as delegate to Congress from Nebraska Territory, showing the necessity of sending a delegate to Congress at the time I was elected, in doing which I will quote from a speech delivered in the House of Representatives on the 16th May, 1854, (see Appendix to Congressional Globe, p. 715,) by the Hon. S. Mayall, of Maine. Mr. Mayall says:

"In accordance with the recommendations of the Secretary of War, Mr. Douglas, of the House Committee on Territories, gave notice on the 11th December, 1844, of a bill, and on the 17th of the same month introduced the same, (H. R. 444,) to establish the Territory of Nebraska, and it was referred to the Committee on Territories. Mr. Aaron V. Brown, on the 7th of January, 1845, reported back an amendatory bill, and it was referred to the Committee of the Whole on the state of the Union, and no further action was had thereon.

"The next movement in favor of Nebraska was made by Mr. Douglas, in the Senate, by the introduction of a bill, (No. 170,) which, on the 20th April, 1848, was made the order of the day for Monday, the 24th of the same month, but no further action was had thereon.

"In the Senate, December 4, 1848, Mr. Douglas gave notice of another Nebraska bill, and also a bill for Minnesota and New Mexico; and on the 20th of the same month the Minnesota and Nebraska bills were referred to the Committee on Territories of that body, when another *opiate* was administered to Nebraska. Four years of dead silence on the part of Congress in relation to Nebraska now ensued.

* * * * * * * *

"In October, 1852, the people of Nebraska elected a delegate, (Mr. Guthrie,) who came to this capital, and, as all know who were members of the last Congress, urged with great zeal the organization of a government for that Territory. A bill was reported, and on the 18th of February, 1853, it passed the House of Representatives, by a vote of 98 to 43. It went to the Senate, received the sanction of the Committee on Territories, but was never brought to a vote, but on the morning of the 4th of March was consigned to its grave."

Thus it will be seen that *four years* had elapsed since the last abortive attempt to organize a government for Nebraska, and the people of that Territory had but little reason to believe their interests would be attended to until they sent a delegate to urge them upon the consideration of Congress. They had observed that this course had been pursued by the people of Oregon, of Utah, of New Mexico, and of Minnesota, with success.

Under these circumstances, and with these examples before them, the people of Nebraska held an election, and I was chosen delegate. At Fort Leavenworth, however, (where the largest body of citizens resided,) the officer in command of the post forbade an election. Subsequently, however, certain persons proposed holding another elec-

tion, to overturn the first. This election was held at Fort Leavenworth, (the commanding officer having abandoned his opposition,) and resulted in a large majority for me—I think 54 to 16.

This second election I gave no attention to, knowing that it was contrary to all law and usage regulating popular elections; but my friends at the fort, (not soldiers,) having been prevented from voting at the first election, determined to remove all shadow of a right of my opponent to contest my claim to a seat in Congress, by giving me a very decided majority at this election also. But the judges never sent me the returns; nor would I have presented them had they done so, for the reason already given. I was now universally admitted to be the rightfully elected delegate, and met with no further opposition.

The number of votes given at my election was not large, for the reason I have already stated. Besides, the citizen population of the Territory was very small, and could not increase under the restrictions of the law of 1834, "regulating trade and intercourse among the Indians," which, you will remember, formed the ground of opposition to the passage of the Nebraska bill, on the 18th of February, 1853, but which was satisfactorily answered by the friends of the bill on that occasion.

In addition to what I stated in my memorial, I will add, that, anxious to get my mileage and per diem, I went to Judge Douglas on the last night of the session, when the "civil and diplomatic bill" was before that body, and asked him if the appropriation could not be put on that bill. To which he replied, that if the House Territorial committee would recommend it, he would try to get it on, adding some reasons why it should come from the House. I immediately went to the chairman of that committee, Colonel Richardson, and stated the facts to him, and he and all the other members of the committee then in the House, (a majority of the whole,) signed the recommendation, and I took it to Judge Douglas, who showed it to the members of the Senate committee; but some of these objecting, on the ground that the appropriation should be made in the House, the judge thought it better to let it drop for the present; and nothing more was said about it.

I have spent much money in obtaining a government for Nebraska, and that, too, from the best motives, and though evil has grown out of it, both for myself and the country, it was not my desire it should be so; and I think I am entitled to the same remuneration that other informal delegates received, and I ask nothing more, but would respectfully urge that, should your committee favor my application, the most speedy course will be pursued to enable me to get the money.

I am, sir, with great respect, yours,

ABELARD GUTHRIE.

Hon. ISRAEL WASHBURN,
Chairman Committee of Elections.

E.

WASHINGTON CITY, D. C., *July* 20, 1861.

Mr. CHAIRMAN: Understanding your committee have doubts of the propriety and necessity of a government for Nebraska, (now Kansas,) at the time I came here as its delegate, I desire to say a few words on the subject. I need not remind you that this Territory lies immediately west and south of the State of Missouri, but it may be well to call your attention to the fact that the vast emigration to California, Oregon, Utah, and New Mexico had to pass through its whole length. At that time the usual landing for emigrants starting from the States by water was at Kansas City, about one mile from the northeast corner of Nebraska, (Kansas,) and, although many went across the States by land, they all directed their course to this point or neighborhood. Here the overland journey commenced, and the sudden change from the comforts of civilized life to the exposures of such a journey produced much sickness which, from the fatigues of travel and the want of care, generally ended in death, for the country was uninhabited, except very sparsely, by Indians, and the journey of more than two thousand miles, to be performed by ox teams before the fall of the early mountain snows, admonished the emigrants of the dangers of delays, even to nurse their sick. This great thoroughfare was strewn with their graves. Only those familiar with the hardships and dangers of such a journey can form a just conception of the embarrassments and fatal consequences of this condition of things. By the organization of this Territory it was opened to settlement, and soon the hospitable door of the pioneer was opened along the route for a distance of two hundred miles, where the invalid could enter and be cared for. Had the Territory been organized several years earlier, as it should have been, I think I may safely say thousands of human lives would have been saved and a vast amount of human suffering prevented. For you will remember that during the years 1849 and 1850 more than one hundred thousand emigrants crossed this Territory on their way to California, Utah, Oregon, and New Mexico, and yet not one word was said in Congress about establishing a government for it or even opening it to settlement. Was not this silence significant? Under such circumstances, is it reasonable to urge that it was not time to move in this matter? Has there, in the history of this country, been a more urgent case of the kind? Congress was evidently impressed with its importance; for in the House the bill for the organization, after a violent but brief struggle, passed by a vote of nearly two to one, and even in the Senate there was an ascertained majority in its favor. It may not be improper here to state, that of the southern members who voted for the measure, I think less than half a dozen were returned to Congress.

Allow me also, if you please, to submit the following propositions:

If your committee have any sufficient evidence, or can obtain any, that it was the intention of the party then in power, or any other

party, to organize this Territory within any reasonable or definite period, I will abandon my claim.

If the committee have any sufficient evidence, or can procure any, that there was any other course as likely to succeed in securing an organization as that of sending to Congress a man acquainted with the condition, wants, soil, climate, and resources of the Territory, I will give up my claim.

If the committee have any sufficient evidence, or can get any, that it was *not* the design of the slave power to secure this Territory, by quiet and stealthy legislation and colonization, for the benefit of its favorite institution, I will abandon my claim. But here I wish you to examine the law of 30th June, 1834, annexing this Territory to the State of Missouri for judicial purposes; and the law of 1836, annexing to the same State forever and for all purposes the very large and fertile portion of this Territory lying between the Iowa State line and the Missouri river, cutting us off entirely from contagious free Territory, the effects of which were disastrously felt during our civil troubles, and to the present day; and also to the several abortive attempts of the late Mr. Douglas to organize this Territory.

If the committee have any sufficient evidence, or can obtain any, that this Territory would not eventually have been received into the Union as a slave State under the skilful management and well matured plans of southern statesmen and their northern friends, I will abandon my claim.

If the committee have any evidence, or can get any, that my movement for a government for Nebraska did not frustrate this design, I will abandon my claim.

If your committee have any sufficient evidence, or can obtain any, that the republican party would have been in existence but for this very act of mine in forcing upon the consideration of Congress the policy of erecting a territorial government over this magnificent region, (which the slave power had already practically grasped, and was guarding with jealous care,) I will abandon all claim to *per diem* and mileage.

In this connexion it is proper I should state that I am not a candidate for any office whatever, as my senators and representative will bear me witness. But when I get the money I ask at your hands, and to which I think myself justly, though not legally, entitled, I will return to the cultivation of my grapes and gooseberries.

I will only add that I am fully aware of the apparent extravagance of the pretensions I have here put forth, but I am also fully pursuaded of their entire justice, and that the humbleness of the instrument employed is the weightiest objection that can be urged against them.

ABELARD GUTHRIE.

Hon. HENRY L. DAWES,
Chairman Committee of Elections, U. S. House of Representatives.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 68.

BYINGTON *vs.* VANDEVER.

APRIL 11, 1862.—Laid on the table, and ordered to be printed.

Mr. G. H. BROWNE, from the Committee of Elections, made the following

REPORT.

The Committee of Elections, to whom were referred the memorial of Le Grand Byington, claiming the seat in this House which was occupied at the commencement of the present session by the honorable Wm. Vandever, as representative of the second district of Iowa, and the additional papers relating to such claim, submit their report upon such portions of the case as relate to the right of Mr. Vandever to said seat.

Mr. Vandever claimed to be a member of this Congress by virtue of an election held in his district on the *day of the presidential election A. D.* 1860, and was admitted under that claim.

It was contended, however, that *the day of the presidential election A. D.* 1860 was not the day prescribed by the laws of Iowa for the election of members of Congress, and that, therefore, Mr. Vandever's election was void.

The law of Iowa, section 239, page 43, of the code of 1851, provides that members of Congress shall be chosen at a "general election;" and section 237, page 42, defines a "general election" to be that at which the members of the general assembly are regularly chosen; and the constitution of Iowa of A. D. 1858 provides that members of the general assembly shall be chosen on the day of the presidential election in the years when there is one, and that they hold their office for two years. These provisions, in the opinion of your committee, fix the days of presidential election as a legal time for the election of members of Congress in Iowa, and hence they are of the opinion that Mr. Vandever was duly elected and rightfully admitted to a seat in this Congress as representative from the second district of Iowa.

But after that election Mr. Vandever made to the President an offer to furnish from the second congressional district of Iowa a regiment of volunteer infantry for the service of the country during the war, which offer the President, on the 23d day of July, A. D. 1861, by virtue of the act "To authorize the employment of volun-

teers to aid in enforcing the laws and protecting public property," accepted, and directed Mr. Vandever to have his proposed regiment ready for marching orders as soon as practicable. Mr. Vandever. with a patriotism worthy of all praise, proceeded to enlist and "have ready for marching orders" the force he had tendered, (acting under directions of the War Department,) and on the 30th day of August, A. D. 1861, was appointed colonel of the ninth regiment Iowa volunteer infantry, and on the 24th day of the following September was mustered into and has ever since been in the actual service of the United States, receiving the pay belonging to his rank, and subject, of course, to the commands of his superior officers.

A commission, a copy whereof is herewith submitted, was issued to him by the governor of Iowa. In terms it commissions him as colonel of the ninth infantry regiment of the militia of Iowa. The committee are not aware that any other formal military commission ever issued to Colonel Vandever, either from the President or from the governor of Iowa. The letters of the adjutant general of Iowa, (House Mis. Doc. No. 16, page 1,) and from Colonel Vandever to the committee, as well as all the other established facts of the case, however, show conclusively that Mr. Vandever was really appointed and is actually serving as colonel of the ninth regiment Iowa volunteer infantry, and that the commission is inaccurate in the use of the term militia.

Colonel Vandever, under the facts, claims, however, that he is simply an officer of the State of Iowa, because, (as his letter would seem to imply,) in his opinion, the volunteer force he enlisted and commands is simply a part of the militia of Iowa.

But whether Colonel Vandever is to be regarded as an officer in the army proper of the United States, or as an officer of the militia of Iowa, is, in the opinion of the committee, of little importance. If he was actually mustered into the service of the United States, he was, by that act, placed in an office totally incompatible with that of representative in Congress.

He has no right as representative to absent himself from the House without leave; and if he does, is liable to be arrested by the officer of the House, and returned and punished. But he is also bound as an officer of the army to be with his regiment, (perhaps a thousand miles distant,) ready to execute the commands of his superior officer; and for his default, is liable to punishment—it may be with death. Or his military superior may take him by force from his seat and duties in the House to his post in the army.

That such a physical impossibility as is thus created, to execute the duties of both offices, renders them totally incompatible, would seem to be beyond a doubt.

But there is also that in the nature of the powers incident to the two positions which renders them incompatible. As representative he may by his vote repeal the law or army regulation creating a duty or imposing a penalty which, as officer of the army, he has neglected or incurred. Or in the exercise of his right, (and perhaps duty,) as representative, to speak of the conduct of his superior military offi-

cers, he might utter words for which, as an officer of the army, the superior would have an equal right to cause him to be tried by court-martial and punished.

These instances of conflicting irreconcilable duties and powers are sufficient to illustrate the incompatibility of the two offices; and that the acceptance by the same person of an office incompatible with another held by him, is a virtual resignation or forfeiture of the office first held, is too plain a proposition to need illustration. It results from the presumption that no man can intend, as well as from the policy that no man shall be permitted, to hold a trust the duties of which he has disqualified himself from performing. All the authorities agree in this principle.

And again admitting, for the sake of the argument, that Colonel Vandever was originally simply an officer of the militia of Iowa, still your committee are of the opinion that *the act of mustering him into the military service of the United States* made him an officer of the United States. The authority which an officer is bound to obey and to which he is responsible, and whose pay he receives, determines under what government he acts, and whose officer he really is.

But your committee are of the opinion that Colonel Vandever was really and truly appointed colonel, not of Iowa militia, but of the ninth regiment of Iowa volunteer infantry, and that the latter force is, in no sense of the term, a militia force, but is a force raised solely by the authority of the federal government, and hence that its officers (Colonel Vandever among the rest) hold their offices under the United States.

The commission, it is true, styles him colonel of the 9th infantry of the militia of the State of Iowa. But a commission does not confer the office. It is, at most, but evidence of an appointment. An error in the commission cannot confer a right to an office to which the person holding the commission has not been appointed, neither can it take away his right to exercise the powers and receive the emoluments of one to which he has been appointed. There are numerous officers which the President commissions, that are appointed by others. Suppose there should be an error in the commission he confers; certainly it would not take away the office. The appointment itself, and the entrance upon and actual discharge of the duties of an office, (by the appointee,) under a claim of right, are the real requisites constituting a person an officer, and decisive of the office to which he is appointed.

Neither does the fact that he was commissioned by the governor of Iowa militate against the position that Colonel Vandever is an officer of the United States. The act of Congress under which the force Colonel Vandever commands was raised, authorizes the governors of the States where the force is raised to commission certain of the officers. The governor acts only by virtue of that law. He is the mere agent of the United States for the purposes indicated in the act. The appointment and commission would have been just as valid had any other agent been selected to have made and issued them.

But the force Colonel Vandever really was appointed to command,

and with which he has ever since been in service as commander, was *enlisted* by direction of the President under the authority of the act of Congress entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," which act could have been passed only under that clause of the eighth section of the Constitution which provides that Congress shall have power to *raise* and support armies. It was not *enrolled* by the State authorities, and then drafted by virtue of the subsequent clause of the section above cited, which authorizes Congress to provide for organizing, arming, and disciplining the militia. Under this latter clause there is no power to raise forces, but only to organize and arm and discipline those raised or enrolled by the States. If it had been raised under the latter clause the governor of Iowa would have had the sole undoubted right, under the Constitution, to have commissioned and appointed *all* its officers: whereas his only authority now accrues to him from the act itself, and is limited to colonels and officers of inferior rank. These considerations seem decisive of the character of this volunteer force, viz: that it is not a militia force, but a part of the army proper of the federal government.

That it was this volunteer force that Colonel Vandever was really appointed to command, appears from the letter of the chief clerk of the War Department to the Hon. Wm. Vandever, House Mis. Doc. No. 40, p. 3; the letter of adjutant general of Iowa, House Mis. Doc. No. 16, p. 1; Colonel Vandever's letter to committee, hereto annexed; the letter of the paymaster general of the United States, House Mis. Doc. No. 40, p. 6; and every other well established fact in the case. That he accepted said office, and has since been in the actual service of the United States, receiving his pay as colonel of the 9th regiment of Iowa volunteer infantry, is beyond a doubt; indeed, his own letters to the committee so declare.

The committee are, therefore, clearly of the opinion that in whatever light Colonel Vandever is regarded, whether as an officer of the militia of Iowa, actually mustered into the service of the United States, or as an officer of the army proper of the United States, his position is not only incompatible with that of representative in Congress, but also that his case falls clearly within the last clause of the 6th section of Art. 1 of the Constitution of the United States, which provides that no person holding an office under the United States shall be a member of either House (of Congress) during his continuance in office.

If any decision of this House, construing so plain a provision of the Constitution, were necessary, to support the opinion which the committee have reluctantly felt themselves compelled to adopt, they submit that it is found in the cases of John P. Van Ness, reported in Contested Elections, p. 122, and of Colonel Yell, in the 2d session of the 29th Congress.—(See vol. 17 Congressional Globe and Appendix, p. 341.) The case of Colonel Yell is believed to be perfectly decisive of the question now presented to the House.

The loyalty, patriotism, and valor which prompted Colonel Vandever to leave the comparative ease of this hall and take upon him-

self the labors, vexations, hardships, and dangers of the recruiting service, the camp, and the battle-field, impressed the committee with the warmest admiration of his character, and excited in them a strong desire to find some valid reason for reporting in favor of his retaining his seat. This they have been unable to do; and the great importance of the principles which govern the case, as well as the *quasi* judicial character imposed, in these investigations, upon the committee, forbid them to allow prepossessions or favor to affect their decision.

That no member of this house shall be allowed to hold, at the same time, an incompatible office, and that no other department of this government shall be allowed to exercise any influence over its members, by distinctions and emoluments conferred, or any control by virtue of superior authority, are principles that involve the existence, integrity, and rights of the House, and the just distribution of the powers of the government. They were deemed of such vital importance as to demand a place as an express provision of the Constitution, inserted after the fullest debate and consideration.

In view of the necessity of maintaining these principles in their full extent, the committee could not allow any extraneous circumstances to influence them. However much they might honor Colonel Vandever for his noble conduct, they must judge his rights by the same law that is applicable to the most undeserving member of the House. They have therefore felt compelled to report and ask the house to adopt the following resolution:

Resolved, That William Vandever has not been entitled to a seat as a member of this house since he was mustered into the military service of the United States as colonel of the ninth regiment Iowa volunteer infantry, to wit, since the 24th day of September, A. D. 1861.

Copy of letter of Colonel Vandever to the committee.

CAMP STEPHENS, *Sugar Creek, Arkansas, March* 16, 1862.

SIR: I am informed that the Committee of Elections are inclined to report against my right to hold my seat in the House of Representatives. I trust the committee have not come to this conclusion without a full knowledge of the facts. I am holding no appointment or commission under the United States in the army. I was commissioned by the governor of Iowa, on the 30th day of August, as colonel of the ninth regiment Iowa volunteers. This regiment was mustered into the United States service in September, and I have served most of the time since in command. Some others, members of the House, are in precisely the same fix as myself, and if I am thrown out I presume the same effect will follow in other cases.

I would esteem it a great favor on the part of the committee, if they are doubtful about my right to a seat, if they would postpone final action in my case until I can be present and be heard. I will endeavor to present myself during the present session if possible;

of the regular army or as holding an appointment or commissi under the general government.

Very respectfully, your obedient servant,

WM. VANDEVER.

Hon. WILLIAM L. DAWES, M. C.,
Washington, D. C.

Copy of commission from the governor of Iowa to Colonel Vandev

THE STATE OF IOWA:

To all to whom these presents shall come, greeting: Know ye, th William Vandever having been duly appointed to the office of colo of the ninth infantry regiment of the militia of the State of Iowa, Samuel J. Kirkwood, governor and commander-in-chief of the milit of said State, in the name and by the authority of the people there do commission him colonel of said regiment, to take rank from t thirtieth day of August, 1861. He is, therefore, carefully and di gently to discharge the duties of said office by doing and performi all manner of things thereunto belonging; and I do strictly requi all officers and soldiers under his command to be obedient to his o ders; and he is to obey such orders and directions as he shall fro time to time receive from his commander-in-chief, or his superi officers.

In testimony whereof, I have hereunto set my han [SEAL.] and caused to be affixed the great seal of the State Iowa.

Done at Des Moines, this thirtieth day of August, in the year our Lord one thousand eight hundred and sixty-one, and of the ind

STATE OF IOWA, *Scott County:*

I, William Vandever, do solemnly swear that I will support the Constitution of the United States and the constitution of the State of Iowa, and that I will faithfully discharge the duties of colonel of the ninth infantry regiment of the militia of the State of Iowa, during my term of office, according to the best of my skill and ability. So help me God.

WM. VANDEVER.

STATE OF IOWA, *Scott County:*

Subscribed and sworn to before me, a notary public in and for said county, by the said William Vandever, this 30th day of August, A. D. 1861.

[SEAL.] CHARLES R. HOLMES,
Notary Public.

[redacted]

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 69.

J. STERLING MORTON *vs.* SAMUEL G. DAILY.

APRIL 14, 1862.—Laid on the table and ordered to be printed.

Mr. DAWES, from the Committee of Elections, made the following

REPORT.

The Committee of Elections, to whom was referred the memorial of J. Sterling Morton, praying to be admitted the sitting delegate from the Territory of Nebraska, in place of Hon. S. G. Daily, report:

That, in conformity with the instructions of the House embodied in a resolution adopted at the last session, in the following words:

"*Resolved*, That the papers in the case of the contested seat for delegate from the Territory of Nebraska be referred to the Committee of Elections, and that they be authorized to investigate and report on the same without regard to notice; and that all other cases of contests for seats in this House be also referred to that committee for investigation and report,"

they have examined and considered all the evidence referred to the committee and contained in Mis. Doc. No. 4, of the last session, which was taken by either party on notice to the other. The election out of which this contest has arisen was held on the 9th of October, 1860, and the official canvass by the territorial board of canvassers showed the following result:

For Mr. Morton	2,957
For Mr. Daily	2,945
Majority for Morton	14

Mr. Morton accordingly received the certificate of election, and Mr. Daily took the position of contestant. Subsequently the governor of the Territory gave Mr. Daily a certificate of election, on the ground of alleged fraud in the vote counted for Morton, revoking in said certificate, as far as he was able, the certificate before given to Mr. Morton. Between these two certificates, as *prima facie* evidence of an election, entitling the holder to be sworn, in the first instance, and occupy the seat pending the contest, the House decided at the

last session in favor of that held by Mr. Daily, and he has accordingly occupied the seat, and Mr. Morton has been contestant during the pendency of the contest. But the notice of contest and answer, and all the testimony was taken, as appears by Mis. Doc. No. 4 of the last session, while Daily occupied the position of contestant.

But the committee were, in the hearing, relieved from all embarrassment from this cause by the resolution adopted by the House and already quoted.

The allegations and answers of the parties, in support and refutation of which the evidence was taken, are found on pages one to six, inclusive, of the document already referred to.

Constituting a part of the 2,957 votes, counted by the canvassers for Mr. Morton, were 122 votes returned as polled in the northern precinct of L'eau-qui-Court county, 18 votes returned from the Monroe precinct in Platte county, 39 votes returned as polled in the county of Buffalo, and 20 votes at the Rulu precinct in Richardson county—in all 199 votes. The sitting delegate, in his specification challenges all these votes for different reasons, applicable to different precincts. The committee call attention to the evidence having a bearing upon the votes cast at each of these precincts:

Northern precinct of L'eau-qui-Court.

The specification of the sitting delegate is, that no election was, in fact, held in said precinct; that if any part of said votes were, in fact cast anywhere it was at some place not within the precinct or the county of L'eau-qui-Court, and by persons not resident within the said county, nor within the Territory, and that the said precinct consists of lands to which the Indian title has not been extinguished. The place where this alleged election was held was at the house of one A. B. Smith, at a point on the Missouri river about forty miles above the county seat of L'eau-qui-Court county, nearly opposite to the Yancton Sioux agency in Dacotah Territory. A witness by the name of Westerman, (page 7,) who was a resident of the county for more than four years, testifies that he was at this Smith's house less than two months before the election, and found in all that region only two log cabins and five men, three of whom he knew had left before the time of the election, and that when the precinct was established there he was appointed to be one of the judges of the election, and went there for the purpose of ascertaining how many votes could be polled by actual residents, and found only five men. He visited this place, also, shortly after the election and could find only two men. Jacob Hack, William W. Warford, and James Cox, three other witnesses, testified that they were at the election and voted, and all live in Dacotah Territory. Warford was one of the judges of the election. They all three agree in their testimony that, notwithstanding there were polled 122 votes, there were not during the whole day over forty persons in all present at the poll; and Cox, whose testimony is on page 31, estimates the number at only from 20 to 25. They agree in this, that of this number five or six were half-blood Indians, and eight or

ten full-blood Indians; that Indians, half-breeds, and whites all voted, and a portion of them voted a number of times, sometimes by changing their names and clothes, and sometimes by a sort of proxy, calling the name of some absent friend, and depositing a ballot for him. Of those who thus voted many lived in different and distant parts of the country; some in the State of Iowa, some at Fort Randall, some in different parts of Dacotah Territory, and one at Saint Louis. Cox examined the poll-book, which is in evidence, and testified that he knew forty-seven persons whose names appear on the list, and that all of them were non-residents of Nebraska, except A. B. Smith, at whose house the election was held, and John L. Tierman, who lived at the same place. John Brazo, one of the names on the list, is an old negro fiddler, who lives at Sioux City, Iowa, one hundred and fifty miles distant. The committee make the following extracts from the testimony of Cox, commencing on the 32d page:

"Question. Did you see any persons vote, and how many more than once?

"Answer. I saw six persons vote more than once. I saw one man vote four times, another three times, another twice, and another I do not remember how many times, not less than twenty. His name was Peas. And the rest I cannot say how many times they did vote."

But, from the answer of the same witness to the fourth question, on page 36th of the evidence, it appears that they continued voting in this manner until they had supposed they had accomplished their purpose.

"3d question. State whether or no on the day of the election of which you have spoken you heard any observation to the effect that there were votes enough now to elect Morton, or to the like effect; and if so, by whom the observation was made, and at about what hour of the day?

"[Objected to by attorney for Mr. Morton, for the reason that it calls for the declaration of persons not parties to this contest, which are not competent evidence.]

"Answer. I heard such an observation made by Charles Booge between the hours of four and five o'clock.

"4th. Mention the exact words he used, as nearly as you can recollect them, and to whom they were addressed.

"Answer. He said, 'I think we have about enough votes to elect Mr. Morton.' He was then speaking to the judges and clerks of the election and Captain Todd.

"5th question. Who is Charles Booge? Where does he live, and how was he occupied during that day at the poll?

"Answer. He is sutler for the Indians, lives on the Yancton reserve, and occupied that day in urging men to vote for Mr. Morton.

"6th question. Did you see at the poll any printed ballots containing the name of Mr. Morton, as delegate, and did you see any containing the name of Mr. Daily?

"Answer. I saw some containing the name of Mr. Morton, but none for Daily."

There were seventy-three votes cast at this election at other known

and established precincts in the county of L'eau-qui-Court, where residents known then and since to be *bona fide* inhabitants can be easily found by any one. The census of 1860, which, by law, was completed on the first of November, 1860, twenty-two days after this supposed election was held, shows a population in the whole county of only one hundred and fifty-two persons, men, women and children, establishing a fair proportion between the seventy-three *bona fide* voters who cast their votes at the established precincts and the whole number of inhabitants in the county, as the ratio usually obtained in all newly settled counties. But if to these seventy-three undisputed votes at old established precincts there be added the one hundred and twenty-two alleged to have been cast at this new and hitherto unheard of settlement, the whole number cast in the county would be one hundred and ninety-five votes, forty-three more than the whole number of inhabitants in the county, men, women, and children, all told. To meet this testimony, on the part of Mr. Daily, if this had been a *bona fide* settlement of sufficient number to justify a poll of 122 votes, it would have been the easiest thing possible for Mr. Morton to have produced the testimony of living witnesses of such weight and number, from the very settlement itself, to put the matter beyond all possible doubt, and to expose the falsity of the evidence here produced, but Mr. Morton, instead of resorting to this more satisfactory method of establishing the real truth, has contented himself with attempting to shape the credibility of two or three of the witnesses offered by Mr. Daily, by attempting to show, as to two of them, that money paid them for coming in the winter several hundred miles to Omaha to testify to these facts before the authorized magistrate living there, had been paid them for the character of the testimony itself, and that thus they were bribed witnesses; and, as to one other witness, that he was one of the judges of this election, and that he is now swearing against his own return as a sworn judge of election. As to the witnesses paid for coming to Omaha, the committee are of opinion that Mr. Morton has wholly failed in his attempt to show that they were bribed. As to the witness swearing against his previous return, the committee are of opinion that that fact does affect his credibility, and that if his testimony stood alone and uncorroborated it must be taken with great caution and allowance; but when corroborated, as it is in all essential parts by the other witnesses, and especially by the testimony of Cox, about whom nothing has been ever said by Mr. Morton to impair his credibility, the committee have no hesitation in expressing their conviction that this entire vote, alleged to have been cast at the northern precinct of L'eau-qui-Court county, is fraudulent, and should be rejected. It was all cast for Mr. Morton, and therefore 122 votes, under this allegation, must be deducted from his poll.

Monroe precinct, Platte county.—The allegation of Mr. Daily, touching this vote is—

"That of the persons who voted in the Monroe precinct, in the county of Platte, five were not residents of the last-mentioned pre-

cinct or county, and the rest were inhabitants and then residents of the Pawnee Indian reservation."

The testimony in support of this allegation is from Charles H. Whaley.—(Page 50.) He is a resident of the precinct, and has been a representative in the legislature of the Territory, and his testimony is of such a character that he cannot be mistaken. His reliability has not been questioned. The committee therefore give his testimony entire.

"Charles H. Whaley, of lawful age, being first duly sworn according to law, makes the following answers to the questions proposed, to wit:

"1st question. What is your age, occupation, and place of residence?

"Answer. Age, thirty-three years; occupation, attorney and farmer; residence, Monroe, Platte county, Nebraska Territory.

"2d question. In what precinct in Platte county do you reside?

"Answer. It is called the Monroe precinct.

"3d question. Were you there on the day of the general election held on the 9th of October last?

"Answer. I was.

"4th question. State what you know about non-residents of said precinct voting at said election; how many in all; for whom the votes were given; and the grounds of your knowledge.

"Answer. I am acquainted with all the residents of that precinct who voted at that election; they were twenty-eight in number. The non-residents were twenty-one. I believe, of the non-resident voters, there were eighteen for Mr. Morton and three for Mr. Daily. There were two kinds of tickets voted. The tickets with Mr. Daily's name on were written, and those with Mr. Morton's name on were printed. The written tickets I distributed myself to the persons voting them, and saw them put in the ballot-box by persons who were residents of that precinct. I saw the votes canvassed, and there were fifteen of these written tickets, containing Mr. Daily's name and the names of our county and precinct candidates—I mean the republican candidates.

"5th question. State, if you know, where the non-residents, eighteen of whom you say voted for Mr. Morton, resided at that time.

"Answer. The following persons, to wit: J. L. Gillis, R. B. Gillis, D. A. Elliott, Charles Zealer, G. W. Hollins, Lewis G. Boyer, Joseph McFadden, and Charles Cooper, resided on the Pawnee Indian reservation. The following named persons, Frederick Koup, P. E. Bogert, Francis Grauer, and James C. Crawford, resided in Cuming county, but were at work at that time on the brick-yard on the said reservation. The following persons, M. P. Cook, Isaac Moor, Edwin R. Capran, and Israel D. Ward, were surveyors, and said their homes were in Nebraska City. L. B. Gorham resided in Omaha city; Moses Hotelling was driving a team for Gorham, and I do not know his place of residence.

"6th question. State where the three that you say voted for Mr. Daily resided, and how you know that there were just three and no more.

"Answer. I believe they resided in Cuming county. They were at work at the time on the brickyard before mentioned. The fifteen votes that I have spoken of before included Mr. Daily's name and the candidates for county officers. The remaining three votes contained only Mr. Daily's name. I saw the fifteen resident voters for Mr. Daily deposit their votes. I know that there were three other votes cast for Mr. Daily, but who cast them, and where they resided, I only know from what they told me.

"7th question. State whether or not you were present during the entire canvassing of the votes given at that precinct on that day, and whether you saw each and all of the ballots counted.

"Answer. I was present all the time, from the opening to the closing of the poll. I saw all the ballots counted, and heard the result declared by the judges.

"8th question. State whether you are sojourning in this place at present, and in what character.

"Answer. I am here at present as a member of the legislature.

"*Cross-examined.*

"1st question. At elections held prior to the late election for delegate, in Monroe precinct, has it, or has it not, been the practice for residents on the Pawnee Indian reservation to vote?

"[Objected to by attorneys for Mr. Daily, on the ground of immateriality.]

"Answer. Since the reservation has been set apart, they have not voted at the Monroe precinct.

"2d question. Do you know of any residents of the Pawnee Indian reservation voting at any election prior to the election held in October last?

"[Objected to by attorneys for Mr. Daily, on the same grounds.]

"Answer. I do not, since the Indians were removed to the reservation, which was a year ago some time in the fall.

"3d question. State whether the twenty-one non-resident voters, when presenting their votes at said election, were challenged.

"[Objected to by attorneys for Mr. Daily, on the ground of immateriality.]

"Answer. I believe a majority of them were.

"4th question. State whether those challenged swore in their votes.

"Answer. I suppose I must answer yes; but in my opinion it was not an oath that many of them took. The oath was read over to those persons on the reserve who were challenged, and they qualified it by saying they would take the oath provided that the Pawnee Indian reservation was a part of Platte county.

"5th question. State whether that portion of the Pawnee Indian reservation in which they reside is included in the defined limits of Platte county.

"Answer. No, sir; it is not. By an act of the legislature, attaching a part of Monroe county to Platte county, only so much of Monroe county as is not included in the Pawnee Indian reserve was attached to Platte county: I mean to say that Monroe county was incorporated into Platte county, with the exception of what was included within the boundaries of the Pawnee reserve.

"6th question. The persons whom you have spoken of as residing in Cuming county, do you know that, at the date of the election, they had been living on the reserve less than twenty days.

"Answer. No, sir; I am not positive as to the time they had been there.

"7th question. How long had the surveyors been there of whom you have spoken?

"Answer. They came there that day, and went away the next.

"8th question. What is your politics?

"Answer. Republican.

"*Re-examined.*

"1st question. You have said that those persons whom you designated as non-residents, and who were challenged, expressed their willingness to take the oath upon its being read to them, provided the Pawnee Indian reservation was a part of the county of Platte. What answer, if any, was made by the judges to this observation?

"Answer. I cannot express the answer in the words used. They assented to that, and took the ballots.

"2d question. What is the name of the agent for the Pawnee Indians; whether or no he voted, and whether or no he qualified his oath in the manner you have mentioned?

"Answer. His name is J. L. Gillis. He voted, and qualified his vote in that manner.

"3d question. State whether or no he was the first of the residents on that Indian reservation who offered to vote.

"Answer. I believe that he was.

"CHAS. H. WHALEY.

"*Recalled.*

"1st question. State whether the Monroe precinct comprises any part of the Pawnee Indian reservation; and if not, how far was the poll held from the nearest line of that reservation?

"Answer. It does not comprise any part of the reservation. The poll was held about three miles from the nearest line of the said reservation.

"*Cross-examined.*

"1st question. How far is the line of said reservation nearest to the place of voting in said Monroe precinct from the nearest line of the precinct?

"Answer. I have understood from the commissioners who formed the precinct that the western line of the precinct is the same as the eastern line of the reservation.

"2d question. Do you, of your own knowledge, know where the western boundary of the precinct is?

"Answer. No more than what I have stated. The treaty makes the eastern boundary line of the reservation, running north and south from the point where the Beaver creek enters into the Loup fork, and that line I understand to be the line of the precinct.

"3d question. Do you know that N. P. Cook, Isaac Moore, Edwin R. Capran, and Israel D. Ward, (whom you have spoken of as surveyors,) had not at the date of said election been in the county of Platte the necessary time to make them legal voters?

"Answer. The first I saw of them was, I think, about four or five days before the election. At that time I saw them cross the ferry at Columbus from the south to the north side of the Loup fork of the Platte river. They said they had been surveying south of the river. The next I saw of them was on the day of the election.

"4th question. Might they not have been in the country and you not have known it?

"Answer. Of course they might.

"*Re-examined.*

"1st question. You say you saw them crossing the ferry at Columbus. They told you they had been surveying south of the river. Is that section of country where they said they had been surveying in Platte county?

"Answer. A part of it is and a part of it is not, I suppose. I understood them to say they had been running township lines from the Platte river to the Loup fork. Platte county does not extend west of the sixth principal meridian to the Platte river.

"*Re-cross-examined.*

"1st question. Might they not have been surveying south of the river and still been altogether in Platte county?

"Answer. That would depend how far they run their lines. They might have been running lines east and west, and still be in Platte county.

"*Recalled.*

"1st question. You say you learned from them that they were running township lines: how long, in your opinion, would it take them to run all the township lines south of the river in Platte county?

"Answer. I don't know that I am well enough acquainted with surveying to enable me to judge correctly; but I think the township lines south of the Loup fork could be easily surveyed in ten days, as I think there would be but one tier of townships in that portion of the county.

"*Re-cross-examined.*

"1st question. In running township lines what is an ordinary day's work?

"Answer. I do not know.

"2d question. Are you a surveyor?

"Answer. I am not.

"3d question. Will you or will you not say, upon your oath, that the surveying party was not also engaged in sectionizing and subdividing?

"Answer. I know of my own knowledge that they were not on the north side of the river, and Captain Cook told me they had not been; Captain Cook is the one previously referred to as M. P. Cook, and had command of the surveying party.

"CHAS. H. WHALEY."

From this testimony it appears that nearly all of these voters were at the time residents upon the Pawnee Indian reservation, outside of the precinct; that when challenged they took the oath, with the condition attached, "provided the Pawnee Indian reservation was considered a part of Platte county." Statutes of Nebraska, laws 1855–'56, page 49, require as a qualification of a voter that he reside in the Territory forty days, in the county twenty days, next preceding the election, and at the precinct in which he votes at the time of the election. From this testimony it appears that the Pawnee Indian reservation was not within this precinct, and that the poll was about three miles from the nearest line of the reservation. But the committee are of the opinion that for another reason the votes cast at this precinct by persons resident upon the Pawnee Indian reservation were illegal. The act of Congress organizing the Territory of Nebraska in the first section says:

"*Provided, further*, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of the Territory of Nebraska, until said tribe shall signify their assent to the President of the United States to be included within said Territory of Nebraska."

It was not claimed before the committee, nor do the committee understand it to be true in fact, that the Pawnees have ever made any such stipulation in their treaty as is here mentioned, or that they have ever signified their assent to the President of the United States to have their reserves included within the boundaries or constitute a part of the Territory of Nebraska. It follows, therefore, that persons residing upon this reserve are residents upon "no part

of the Territory of Nebraska," and are not entitled to vote therein. These votes were twenty-one in number, eighteen for Mr. Morton and three for Mr. Daily, and must be deducted from their poll accordingly.

Buffalo county.—The specification of Mr. Daily challenging this vote is as follows:

"That the county of Buffalo was then, and yet remains, unorganized; and that the poll held therein was, moreover, open, and votes were cast thereat on the day next succeeding the day of election; and that several of the votes thence returned were cast by non-residents of the said county."

It was agreed by the parties (page 63 of the testimony) that the evidence of Governor Black, given in the contested election case of Daily and Easterbrook, in the 36th Congress, touching the organization of this county, should be taken and used as his evidence upon the same point in the present case. Upon a review of that testimony, reprinted, (commencing on page 63,) the committee have arrived at the same conclusion as was arrived at by the Committee of Elections of the last House, and which conclusion was sustained by vote of the House itself. Your committee cannot better state that conclusion than in the words of that committee:

"By an act of the legislature of Nebraska Territory, March 14, 1855, provision was made for the organization of this county. This is its language: 'That all that part of the Territory included in the following limits is hereby declared organized into a county to be called Buffalo: commencing at a point in the centre of the Platte river, ten miles east from the mouth of Wood river; running thence westward up the southern channel of the Platte to the mouth of Buffalo creek; thence north thirty miles; thence east to a point directly north of the place of beginning; thence south to the place of beginning. The seat of justice is hereby located at Nebraska centre.'

"No steps were taken, under the laws of the Territory, for the organization of this county by the election of officers; and it is the opinion of the committee that without such election there could be no organization. The act of the legislature does not organize a county; it merely provides for and authorizes an organization—that is, it authorizes an election to be held for county officers, under the general law regulating elections. If no such election is held, the county, notwithstanding the act of the legislature, cannot exercise any of the powers of an organized county, and cannot legally vote either for territorial officers or delegate to Congress.

"The legislature of the Territory of Nebraska has provided by an act 'in relation to new counties:' 'That whenever the citizens of any *unorganized* county desire to have the same *organized*, they may make application by petition, in writing, signed by a majority of the legal voters of said county, to the judge of probate of the county to which such unorganized county is attached; whereupon said judge of

probate shall order *an election for county officers* in such unorganized county.' It then provides for a notice of the election, and a return of the votes 'to the organized county,' the execution of the necessary bonds by the officers elected, and the entire mode of consummating the organization. And it further provides that until this is done 'all unorganized counties shall be attached to the nearest organized county directly *east* of them for election, judicial, and revenue purposes.'

"The committee do not suppose that the legislature intended to dispense with this mode of organization by the simple use of the word '*organize*' in the act creating a county. To suppose that they did would be to assume that they designed to prevent an election by the people of the necessary county officers. They know of no possible mode of legally organizing a county except by the election of officers by the people—a rule which must meet with universal assent under a popular form of government.

"It is not pretended that Buffalo county was attached 'to the nearest organized county directly *east* of' it for election purposes, for the vote is reported from Buffalo county directly; and hence the only question to be inquired into is, whether or not it was so organized as that a vote could be legally polled within it?

"It appears from the evidence that in May preceding the election the governor of the Territory was solicited 'to *appoint* the county officers for Buffalo county,' but that finding himself possessed of 'no such power,' he declined to do it. The governor was clearly right in this determination. He had no power to appoint officers; not even to fill a vacancy. He had once possessed this latter power, but the legislature had taken it away, and had provided that the vacancies should be only filled by election. But he was as clearly wrong in the other conclusion to which he came. He says that he considered 'that Buffalo county was *fully organized* by the act of the territorial legislature.' How it was organized *without officers* he does not say, and the committee have already stated that, in their opinion, such a thing is impossible. But, acting upon this strange assumption, he says he advised the course which he considered necessary to be taken. This was, that application should be made to the county commissioners of the nearest county on the east to have the initiatory steps taken for the election of county officers. It is not material to inquire whether he was right or wrong in this, because it does not appear that any such steps were ever taken. On the contrary, it is in proof that a few persons met together, without any notice, and, after the manner of a public meeting for political or other purposes, elected a president and secretary, and, upon *mere motion and vote, chose all the county officers!*

"The proceedings of the meeting were signed by the president and secretary, and forwarded to the governor; who, upon the strength of it, commissioned the officers so chosen, although there is no law authorizing him to issue commissions to county officers. And these are the officers who must have conducted the pretended election in Buffalo county, and who returned the 292 votes sent from that county

for the sitting delegate, [then Mr. Esterbrook.] The committee consider the whole of these proceedings irregular and void in law.

"The committee cannot omit further comment upon this extraordinary proceeding; for, to your committee, extraordinary it seems, in every sense of the term. The meeting was held on the 25th of June, 1852, at the place designated in the act of the legislature as the county seat, and where, according to the proof, there is '*one dwelling-house, one storehouse, one barn or stable, and one warehouse*,' and where but '*three persons*' constituted the population. The object of the meeting was avowed to be the '*recommending* suitable persons to fill the several offices of Buffalo county.' And this object was carried out by the simple adoption of the several *motions* put to the meeting. For example: Mr. Charles A. Henry moved that Henry Peck be chosen probate judge, Charles T. Lutz sheriff, Joseph Huff commissioner of one of the precincts, Patrick Care justice of the peace, and John Evans constable, and they were all so chosen by the adoption of the motion. And so of all the rest. And then it was resolved 'that Dr. Henry, with men living in the eastern precinct, do have them *recommend* suitable persons to fill the offices of justice of the peace and constable' in a precinct not supplied with officers at this meeting. And the whole proceedings closed with a resolution to the effect that the meeting '*recommend* the above-named gentlemen to hold the several offices to which they have been *nominated* by this meeting, and request the *governor* of this Territory to *commission* them for said offices.'

"It will be seen that this meeting merely '*nominated*' these officers, and *recommended* them to be *commissioned* by the governor; or, in other words, that it designed that the governor should *appoint* them. It has been already stated that the governor had no such power—that he could have nothing to do with the selection or commissioning of officers. Yet, notwithstanding this want of power, he did both *appoint* and *commission* the persons recommended and nominated by this meeting, and several others who were not recommended. It needs no argument to prove that no authority to hold an election or to transact any county business was conferred upon these persons by his act, and that all their proceedings are absolutely void. It is of no consequence to inquire what power he considered himself as possessing, since the fact that he did *appoint* them appears in proof. In a letter dated July 26, 1859, and written from the 'executive chamber,' to one of the persons nominated to him, he says: 'I have this day *appointed* the following officers,' &c., going on to enumerate those who were nominated by the meeting. All these proceedings were in clear violation of law.

"The foregoing facts in relation to the pretended organization of Buffalo county being made by the contestant, [then Mr. Daily,] and the sitting delegate [then Mr. Esterbrook] having offered no evidence of any other organization, it is necessarily to be inferred that there was no other; since, if there had been, he would have had no difficulty in showing it. Indeed, he has left it to be inferred from his mode of cross-examining the governor, whose testimony has been

taken, that he did not rely upon any organization, but upon the legality of that made by the governor. The committee, therefore, conclude that there was no other, and have no difficulty in deciding that to be clearly in violation of law."

This committee agreeing with that committee that Buffalo county had not been organized, the thirty-nine votes counted by the canvassers for Mr. Morton, as cast for him in this county, must be deducted from him in this poll.

It was also claimed by Mr. Daily, under his specifications, that 108 votes counted for Mr. Morton as from Kearney and Shorter counties should be thrown out for want of sufficient notice of the election. The only testimony upon this point is from a single witness, Henry W. Depuy, (page 75.) His testimony was to the effect that he was at Kearney City the day before and the day of the election, and that on the morning of the day before the election he saw notice of the election being posted up, and on the evening before the election he saw the clerk of Kearney county start with election notices to the judges of election at Cottonwood Springs, in Shorter county, ninety miles distant from Kearney City, where a precinct had been organized. This evidence, however strong in its tendency to produce the conviction that no other notices had been given of the election at these precincts before that day, nevertheless lacks the essential proof that these notices were the first thus put up, and there being no evidence of fraud connected with this poll, the committee do not recommend that these votes be rejected. It was also claimed by Mr. Daily that all the votes polled for Mr. Morton at the precincts of Rulu, Arago, and St. Stephens, in Richardson county, about 140 in all, should not be allowed him, first, because these precincts are included in what is called the half-breed Indian reservation. The committee are of opinion, from the express and unequivocal organic act of the Territory, already quoted, that an Indian reservation constitutes no part of the Territory of Nebraska unless by consent of the Indians themselves, made known in the manner specified in the act; but this half-breed reservation differs in some respects from an ordinary Indian reservation. It was stated to the committee, and not denied, that these lands had been divided, or partitioned off, to the half-breeds in severalty, and the government has given them patents. Whether this would change the character of the reservation, so as to take it out of the exception in the organic act, the committee do not think it necessary to determine, since the result arrived at by them does not depend upon such decision. The vote at Rulu, on this reserve, is further objected to by Mr. Daily, because two of the judges of the election were residents of the precinct, and twenty-four non-residents of the precinct voted therein. The law clearly provides that the voter must reside within the precinct where he casts his vote. The laws of the Territory (1855–'56, page 50) provide "every free white male citizen of the United States who has attained the age of twenty-one years, and who shall declare on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States, and the provisions of the

organic act of this Territory, shall be entitled to vote in the precinct where he resides at all elections, provided he has been an inhabitant of the Territory forty days, and of the county twenty days, next preceding the election."

While the committee have been at all times disposed, so far as they can, consistently with the provisions of law, to give effect to the will of the voter, expressed in good faith, they do not see how they can count the vote of a non-resident of a precinct any more than they could a non-resident of the county or Territory. The provision of law that a man must vote in the precinct where he resides seems to the committee to be a wise one to prevent double voting, and they know of no way to enforce that wise provision except to insist upon its observance. From the evidence of Dundy (page 40) it appears that twenty-four non-residents of Rulu precinct and five half-breed Indians voted at that precinct. Mr. Morton contented himself in this case, also, with an attack upon the credibility of the witness, E. S. Dundy, and called several witnesses who swear they would not believe him under oath. But these witnesses do not live in the same town or neighborhood with Mr. Dundy, who resides at Falls City, but in or near the town of Rulu, nine miles distant from Falls City, and it was made to appear that a bitter feud existed between the people in these two towns. There were called in reply twenty-one witnesses, the immediate neighbors of Mr. Dundy, who sustained his character for truth and veracity, and the committee have given full credit to his testimony. It appears that twenty-four non-resident whites and five half-breed Indians voted at this precinct but it is uncertain for whom they all voted; but as Mr. Daily received but nine votes in all at this precinct, twenty of them at least must have voted for Mr. Morton. The committee therefore reject that number from the count of Mr. Morton.

In answer to these allegations on the part of Mr. Daily, and in support of his own claim to the seat, Mr. Morton served upon Mr. Daily his answer, containing twenty-three specifications, (page 3 of the testimony.) In support of many of these specifications he offered no testimony. Those in support of which he did offer testimony the committee now proceed to examine. The second, third, and fourth specifications relate to the vote in Falls City, Richardson county, where Daily received 104 votes and Morton 17 votes. The only evidence among the many witnesses which has a tendency to support said allegations is from one James Buchanan, (page 134 of the testimony,) one of the judges of the election. The evidence of this witness, in its character improbable, is contradicted by that of his own brother, who was a clerk of the election, by one of the other judges, and by his own statement on the night after the election, as testified to by one Coleman, (page 152.) Buchanan is also successfully impeached by twenty-one witnesses, testifying from intimate knowledge of his character for truth and veracity in the community in which he lives. Several of these witnesses say, in addition, that he has the character of a notorious ballot-box stuffer. The committee refer in this connexion particularly to the testimony of David Dorrington, (page 151 of the

testimony.) It also appears that the aggregate vote at Falls City was no larger, if as large, at this election, and that the vote of Mr. Morton, as canvassed, was quite as large as that of the other candidates of his party. The committee see no reason, therefore, for rejecting the vote at Falls City. The fifth specification alleges that the county of Pawnee was not organized according to law, and no election could be legally held therein. By the statutes of Nebraska, "whenever the citizens of any *unorganized* county desire to have the same organized, they make application by petition, in writing, signed by a majority of the legal voters of said county to the judge of probate of the county to which said unorganized county is attached, whereupon said judge of probate shall order an election for county officers in such unorganized county." Notice is to be given of the election, and a return of the votes to be made to the organized county. All unorganized counties are attached to the nearest organized county directly east of them for election, judicial, and revenue purposes. The only evidence adduced by Mr. Morton to show that this county is unorganized is a certified copy of the proceedings on file in the clerk's office of Pawnee county, (page 121 of the testimony,) which certified copy he claims contains no evidence of the preliminary proceedings necessary to be had before an election of county officers. This county was attached to Richardson county before its organization, that being "the nearest organized county directly east;" and the law requires a return to be made "to the organized county." Mr. Morton should have looked therefore among the records of Richardson, not Pawnee county, for these preliminary papers, where, for aught that appears to the contrary, they may be found. He has produced from Pawnee the record of the election of county officers for Pawnee and the certificate of the proper officer of Richardson county, that these several officers of Pawnee had "filed their oath of office according to law in such case made and provided." And the certificate from Pawnee county itself declares these officers to have been "duly elected and qualified." So far as Mr. Morton has produced any record of this organization they appeared to be in conformity with law. He has produced no evidence from the proper custodian of the preliminary papers that they do not also conform to the law. This county has also been recognized by the legislature of the Territory as an organized county. At the session of 1857–'58 it was by act of the legislature made a separate and distinct representative district, and authorized to elect one member to the lower branch of the legislature, and has exercised this right ever since by the election of such representatives, whose right to a seat by virtue of such election has been admitted by the legislature. This county, with Richardson, has been constituted a council district, and the two counties have been in like manner authorized to elect one councilman. The committee are therefore of opinion that it is quite too late now, after such legislative recognition, to question the original organization of the county, especially upon so frail evidence as that referred to the committee. After the hearing and argument before the committee was closed, Mr. Morton produced a certified copy of an act of the Nebraska legis-

lature passed pending this contest, entitled "An act legalizing the first organization of Pawnee county." The committee think that if there had ever been in such organization any irregularities, they had been quite as effectually legalized by previous leglislation as by this act.

The third objection made by Mr. Morton to the vote of Pawnee county is, that "in the fourth precinct, in said county, where said Daily received 13 votes, and this respondent 7 votes, there was no legally constituted election board; those acting as judges were neither sworn nor qualified, as required by law; therefore the votes of said precinct ought to be rejected."

The only evidence in support of this allegation is that of Newcomb, (page 157,) from which it appears that while the county commissioners appointed three persons to serve as judges of election in each of the two precincts of Wyoming and Otoe, the returns from each of those precincts were signed by only one of the persons thus appointed, with two other persons associated with him in each case, and that there is no record on file in the clerk's office of the appointment of these two persons at each precinct to act as judges of the election. The committee understand the law of Nebraska to authorize the appointment and qualification of persons to act as judges of election in the absence of those regularly appointed beforehand by the county commissioners. Mr. Morton does not show that these men thus acting were not duly qualified. He only shows that there is no record of such qualification in the county clerk's office, nor has he shown that the law requires any record thereof to be kept there. In the absence of any certificate of such qualification, it is always a matter of proof by parole whether such judges were qualified or not. The committee do not assume that they were not qualified. The only evidence offered by Mr. Morton in support of his nineteenth allegation was a joint affidavit, (page 113 of the testimony,) signed by three persons, Johnson, Wagner, and Barnard, and sworn to on the day of the election, without notice to Mr. Daily, and before the votes were canvassed, or any notice of contest whatever. The committee for this reason rejected this testimony; but it appeared from the cross-examination of one Hedde, (page 59,) a witness produced by Mr. Daily, that no legal notice of this election was given at that precinct, although the vote seems to have been fairly cast; yet the committee deem the notice prescribed by law essential, and do not feel at liberty to say, in the absence of such notice, that all persons had an opportunity to vote. The committee are aware that the time of this election was fixed by law, and that all are presumed to know the law; but in a new country like this, in precincts newly opened and counties sparsely settled, they deem actual notice a safer rule, and therefore reject the 29 votes cast for Mr. Daily at the precinct of Grand Island, in Hall county. Under the twenty-third specification, Mr. Morton claimed that the votes in the counties of Clay, Dodge, Cass, Hall, Johnston, Lancaster, Nemaha, Pawnee, and Washington, although counted by the board of canvassers, should all be rejected for defect in the form of return. It was not claimed by Mr.

Morton that these returns were false in fact, but that the law required that "*abstracts*" of the vote of each county should be returned to the board of territorial canvassers, when in truth the return from each of the above-named counties was the aggregate of the vote for each of the respective candidates for office in that county. Admitting that Mr. Morton has made the true distinction, and that an aggregate of the votes thus cast for each candidate in any given county is not an abstract of such votes, is it the duty of the committee to reject the votes thus returned for that reason? If there had been no return at all of the votes cast in these counties, it would have been plainly the duty of the committee to have ascertained by other testimony, if possible, the actual vote cast in these counties. Now, as it is not denied that the returns from these counties state the actual aggregate vote cast in those counties, the committee take them as evidence of such votes, and count the votes so returned and counted by the territorial canvassers.

Mr. Morton offered no evidence in support of his other allegations. During the hearing before the committee Mr. Morton charged that the certificate upon which Mr. Daily was admitted to occupy the seat during the contest was a forgery, made by Samuel W. Black, late governor of the Territory, after he had ceased to be such governor, although he did not charge Mr. Daily with any participation in that fraud. At the close of the argument Mr. Morton offered an affidavit, taken since the hearing was commenced, and desired to examine the witness before the committee. To this Mr. Daily, denying the forgery of the certificate, nevertheless consented that the witness might be examined before the committee, provided that he also had an opportunity to produce other witnesses to repel the charge, and also to prove that the certificate held by Mr. Morton was obtained by bribery. To this Mr. Morton would not consent, because, as he alleged, it would protract the hearing to an unreasonable length. But the committee were of opinion that they had, in this hearing, nothing to do with the certificates; that the House had considered these certificates in deciding who should be the sitting delegate pending the contest, and that nothing was left to the committee at this hearing but to go behind all certificates, and ascertain who had a majority of the legal votes. Mr. Morton also offered to the committee several other affidavits, taken without notice to Mr. Daily, and some of them taken by other parties in other controversies, with which neither Morton nor Daily were connected, and also reports of the testimony of witnesses, given in the hearing of other matters, having no connexion with this case, none of which papers had been referred to the committee of the House, and all of which were rejected by them. In conclusion the committee state the result of this examination, as follows:

Whole number of votes counted by territorial canvassers for Morton		2,957
Deduct vote of Northern precinct of L'Eau-qui-court county,	122	
Also the vote in Monroe precinct, Platte county	18	
Also the vote in Buffalo county	39	
Also Rulo precinct, Richardson county	20	
		199
Total for Morton		2,758

Whole number of votes counted for Daily		2,943
Deduct votes cast for him in Buffalo county	3	
Deduct votes cast for him in Monroe precinct, Platte county,	3	
Deduct votes cast for him in Grand Island precinct, Hall county	29	
		35
Total for Daily		2,908
Majority for Daily		150

The committee therefore recommend the adoption of the following resolutions:

Resolved, That J. Sterling Morton is not entitled to a seat in this house as a delegate from the Territory of Nebraska in the 37th Congress.

Resolved, That Samuel G. Daily is entitled to a seat in this house as a delegate from the Territory of Nebraska in the 37th Congress.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 69.

J. STERLING MORTON vs. SAMUEL G. DAILY.

APRIL 14, 1862.—Ordered to be printed.

Mr. VOORHEES, from the Committee of Elections, submitted the following

VIEWS OF THE MINORITY.

The undersigned, a minority of the Committee of Elections, to whom the petition of Samuel G. Daily vs. *J. Sterling Morton, claiming a seat in the House of Representatives as delegate from the Territory of Nebraska, was referred, after a careful consideration of the evidence, papers, and arguments submitted in said matter, respectfully beg leave to report:*

The election for delegate to this Congress from Nebraska Territory was held October 9, 1860. Fifty-nine hundred votes were returned to the governor, who, in pursuance of law, summoned the district attorney and chief justice to sit with him as a board of canvassers and determine who had received the highest number of votes. On the 1st day of November, 1860, at Omaha City, Samuel W. Black, governor, Augustus Hall, chief justice, and Robert A. Howard, United States district attorney, canvassed the returns from the different counties, and found that J. Sterling Morton had received 2,957 votes, and Samuel G. Daily had received 2,943 votes; majority for Morton, 14.

Then the governor, in further pursuance of law, and in conformity to the express provisions of a statute approved January 26, 1856, (see Laws of Nebraska, published 1857, p. 137,) "in the presence and with the concurrence of the chief justice and district attorney," declared Mr. Morton duly elected, and issued to him a certificate of his election as delegate from Nebraska Territory to the thirty-seventh Congress.

S. G. Daily then served upon Mr. Morton a notice that he should contest his right to the seat as a delegate from Nebraska to the thirty-seventh Congress. In due time, and in accordance with the provisions of the law of 1851, regulating the mode of procedure in contested elections to Congress, Mr. Morton put in his answer. Testimony was then taken by Mr. Daily until fully one-half of the sixty days (in which, under the law of 1851, all evidence must be taken)

had expired. Mr. Morton occupied the remaining time in collecting such evidence as he could reach within the provisions of the law.

Mr. Daily makes several specifications in his notice of contest, and introduces much proof of no pertinency whatever. His whole case rests upon the first, second, and third specifications, and must depend upon the satisfactory substantiation of the same by good and unimpeachable evidence.

The entire vote of the northern predinct of L'eau-qui-Court county, which gave Mr. Morton a majority of one hundred and twenty-two, is sought to be thrown out by Mr. Daily. Four witnesses are examined to prove the fraudulent character of the vote returned from this precinct. The testimony which they give is clouded by the fact that no inconsiderable sums of money are admitted by the witnesses to have been paid to them for their evidence. Affidavits were also placed before the committee made by the person who hired these witnesses and the person who pre-examined them in their manner of testifying before they left L'eau-qui-Court, thus showing clearly that they were persons of not very good character, nor worthy of unlimited confidence. W. W. Waford was a judge of this very election at the northern precinct of L'eau-qui-Court, and having, under his official oath, aided in and conducted the election and signed the poll-books he, for a hundred dollars, which he admits he received, *swears against his own record made under oath.*

Owing to the fact that Mr. Daily had taken up so much time, that more than two feet of snow was upon the ground, and the roads almost impassable, (as many witnesses swear,) and the distance two hundred and fifty miles from Omaha to L'eau-qui-Court, it was impossible for Mr. Morton, then, within the given sixty days, to produce and examine the witnesses whom he had notified Mr. Daily he should examine to refute the evidence he had taken, and to establish the validity of the whole or a large part of the vote of the northern precinct. The committee was furnished, however, with the affidavit of Hermann Westerman, which reads as follows:

"I, Hermann Westerman, of lawful age, late of L'eau-qui-Court county, Nebraska Territory, make affidavit and declare that in the month of November, 1860, I employed W. W. Waford, of Bonhomme Dakota Territory, and Jacob Heck, of the Yancton reserve, as witnesses in the matter of the contested election of J. Sterling Morton as delegate to the thirty-seventh Congress from the Territory of Nebraska, Samuel G. Daily contestant. *That, in consideration for the testimony* which they were to give in behalf of said Samuel G. Daily contestant, I agreed to pay the said Waford *one hundred dollars*, and the said Heck *fifty dollars*. And I further declare and say that I did pay the said Waford one hundred dollars, and the said Heck fifty dollars for said service *rendered as witnesses*, and in full compliance with the bargain made by me with them.

"HERMANN WESTERMAN.

"Sworn and subscribed to before me this twenty-ninth day of July, 1861.

"K. W. FRAZER,

"*Justice of the Peace in and for the county of L'eau-qui-Court,*

"*Nebraska Territory.*"

Dr. Joel A. Potter, of L'eau-qui-Court county, made a sworn statement. in which he declared:

"I was interested in and a party to the employment of W. W. Waford, of Bonhomme, as a witness in favor of S. G. Daily, contestant for the seat of delegate from Nebraska to the 37th Congress of the United States, and that *before the said Waford was finally employed I examined him with reference to the testimony he would give.*"

This shows that the witnesses were not only paid for evidence, but that their quality was tried and they examined previous to their appearing before the commissioner, Hon. George Armstrong, mayor of Omaha, before whom the evidence was taken. This testimony, of course, is not strictly in evidence in this case, but it is equally as lawful as that taken by Mr. Daily on May 28, 1861, which is printed with the papers in this case, occupies sixteen pages, and has, no doubt, somewhat biased the minds of the majority of the Committee of Elections.

But, aside from these affidavits, Mr. Morton asked permission to bring Hon. John B. S. Todd, delegate from Dakota Territory, before the committee and have him examined and cross-examined relative to the validity of the election in the northern precinct of L'eau-qui-Court county. General Todd is proved, by Mr. Daily's own witnesses, to have been present at that precinct at that election, and his character as a gentleman and a soldier is such that his testimony would most undoubtedly have been of great importance in sifting this vote and arriving at the truth of the whole matter. Mr. Daily seemed to be aware of this, and earnestly, in the presence of the committee, protested against the examination of General Todd. These facts together should at least cloud the testimony from L'eau-qui-Court, and in many minds will invalidate it altogether.

Yet, upon such a showing, one hundred and twenty-two votes returned for Mr. Morton are sought to be thrown out entirely, and so Mr. Daily's majority made one hundred and eight.

Mr. Morton proves, on the other hand, by a gentleman who acted as a judge of the election at Fall City, and who, on account of the glaring frauds perpetrated at that precinct, refused to sign the poll-books, that there the ballot-box, which was a common cigar-box fastened with a string, was put for several hours, at two different times, into the hands of a Mr. Schuyler, an irresponsible party, not an officer of the election; that ballots were changed from Morton to Daily by David Dorrington, one of the judges of the election at that precinct; that a whole handful of tickets were abstracted from and another handful put into the ballot-box at that election in that precinct by the said David Dorrington, judge, and that after the perpetration of

these enormities, the said Dorrington took the ballot-box to his own house and kept it over night before the recounting and certifying of the poll was completed. The testimony upon the frauds at this precinct is very direct, as follows :

"JANUARY 30, 1861.

"James Buchanan, of lawful age, being first duly sworn according to law, makes the following answers to the questions proposed, to wit :

"1st question. What is your age, occupation, and place of residence?

"Answer. I am thirty-eight years of age ; am a farmer ; live near or adjoining the town of Falls City, Richardson county, Nebraska Territory.

"2d question. Were you present at the election held in the precinct at Falls City on the 9th day of October last? and in what capacity did you act at said election?

"Answer. I was present, and acted as one of the judges of election.

"3d question. Who were the candidates voted for at said election for delegate to Congress?

"Answer. J. Sterling Morton and Samuel G. Daily.

"4th question. Do you know of any irregularities or frauds committed at said election in said precinct, in conducting said election, receiving and canvassing the votes cast, or occurring in any way whatever, and connected with said election in said precinct? If so, state fully.

"Answer. I do ; the polls were opened about 9 o'clock on the morning of the election. I proposed that we should have a disinterested man to sit in with the board of election and keep a list of the voters, on account of there having been frauds practiced by said board at previous elections in that precinct ; the balance of the board objected to any person sitting with them. I then kept a list of the names of all persons who voted, myself, during the day. I noticed the clerks had more names on their list than I had on mine. I spoke to the clerks about it ; I told them that would not do, that I had every man's name down as he voted, and their names severally numbered. I also said that if they could show the name of any man who had voted that was not on my list I would give them my farm ; I knew I was right ; they replied that they would attend to their own business, that I had no business to interfere. About 12 o'clock we adjourned for an hour. We took the ballot-box and left it at the store of Mr. Schuyler, in Falls City. Mr. Dorrington took the ballot-box and gave it to Mr. Schuyler, and told him to keep it until we called for it. Mr. Schuyler put it in his safe, and I suppose locked the safe, as I saw him turn the key and afterwards put it in his pocket. We, the board, then left for dinner. About 1 o'clock we went and asked Mr. Schuyler for the ballot-box ; Mr. Dorrington took it to the election room and we opened the polls again in the afternoon. The clerks refused to let me see their list of names of voters. About six o'clock in the evening we closed the polls. Mr. Dorrington again took the

ballot-box to Mr. Schuyler's store, requested him to take it and keep it until we called for it; he took it and put it in his safe. Mr. Schuyler kept the key of the safe in his possession. We, the board, then went away, leaving the ballot-box in charge of Mr. Schuyler; he had it in his possession until ten o'clock in the evening. I insisted that we should count out the votes immediately after closing the polls; they refused to do so. Mr. Dorrington remarked that we had three days to do it in, and he was not ready to do it at that time. I conversed with William Buchanan, he being one of the clerks of election. I told him that I did not think we had a right to give the ballot-box out of our possession to any one who was not a member of the election board; that we could not tell at that time where the ballot-box might be. He said that he would see Dorrington, and he thought that he could prevail on him to count out the ballots that evening; he said he wanted to make an arrangement with Dorrington in respect to counting out the votes for justice of the peace, as he was running for justice of the peace against Leonard Henry; he believed that Leonard Henry was elected justice of the peace, but he knew that he, Dorrington, being a justice of the peace, did not want another justice elected in town, and he could arrange it with Dorrington to count out votes in favor of himself, (Wm. Buchanan,) which were cast for Henry, sufficient to elect *him*, and he, of course, could depend upon me. I told him to go and see him and get him to count them out; he did go and see him, and Dorrington said that he was ready, if the rest of the board were ready, to count out the votes. We then went to see the other judges and clerk. Samuel Armstrong, one of the judges, said he would not count a damned vote that night. My brother, William Buchanan, one of the clerks, said he would see them and get them to count the votes that night, and then left me to see the other members of the board; he soon returned with Dorrington, and they said they were ready, and that we would go and count out the votes. We then went down to Schuyler's store, asked him if he would let us have the ballot-box; we got it and went to the place where the election was held, and commenced counting out the ballots about ten o'clock at night. We, the judges, sat at one side of the table; Mr. D. Dorrington, judge, sat on my left, and Mr. Armstrong on my right; the clerks sat opposite to us, on the other side of the table. The ballot-box was in front of D. Dorrington, judge, rather to the left side of him; it was a common cigar-box; we had it fastened with a common string or ribbon. While counting out the votes, I watched D. Dorrington (judge) very closely; he would raise the lid of the box with his right hand, take out a ballot with his left, call off the names and then hand it to me, and I handed them to Mr. Armstrong, (judge;) he would put them on a string. I noticed that he called several votes different from what they were; votes which were for Leonard Henry, justice of the peace, he would frequently call for William Buchanan, justice of the peace; also, other votes for candidates for the different offices voted for. I noticed particularly votes for candidates for the legislature, as well as for delegate to Congress, where the name of Dundy was erased and Fleming written on the

side of the ticket; they refused to count it for Fleming; and the same thing was done in *respect to Daily and Morton; where Daily's name was erased and Morton's name written on the side of the ticket, they refused to count it for Morton, saying that, being on the side, he might be running for justice of the peace or some other office. While counting out the votes, I saw D. Dorrington, (judge,) take out a handful of tickets with his left hand from the ballot-box, and put them in the pocket of his pantaloons. I watched him closely: he pulled out a piece of tobacco, as he withdrew his hand from his pocket, took a bite from it; he then put his hand into his coat pocket and took out from that pocket a handful of papers which I believe to be tickets. I saw him drop them into the ballot-box; one of them he dropped on the floor; he stooped down and picked it up, and remarked that he had dropped a ticket; he then continued counting out the tickets until there was none left in the ballot-box.* The rest of the board then proposed to adjourn until morning. I insisted we should get through with the business that night; they overruled me, and we did adjourn.

"Mr. Armstrong (judge) put the string of ballots in the ballot-box. D. Dorrington (judge) told him to take the ballot-box to his (D. Dorrington's) house and leave it there with Mrs. Dorrington. I made no objections; I considered it was no use, as the majority was against me. The next morning, early, I went over into town. I saw William Buchanan, clerk at the Merrick Hotel. I called him to one side and said, 'William, we are brothers; I want you to come out and stand for principle and justice to-day.' He asked me what I meant. I told him that he knew of the frauds that some of the board were trying to commit against the rights of the people of our county or Territory. He got in a passion. He said, By God, he knew his own business, and he was not afraid of any man. I told him that I did not want him to be; that I did not want to quarrel with him, but if he did not come out and do what was right, I would expose him as well as Dorrington. I then left him. I went and found D. Dorrington, judge; I urged him to try to get the board together and finish up our business as members of the election board; he said he was in no hurry; I then asked him when he would be ready; he said he did not know; I then commenced talking about the proceedings of the election board; I accused him of changing votes, and of those frauds which I have related; this took place at the door of Burbank's store, in Falls City. Dorrington seemed very angry; made several threats against me; my brother, William Buchanan, also rushed up towards me, and swore if I would repeat what I had said he would smash my face. I then drew my revolver, and repeated over the frauds which he and Dorrington had committed while counting out the ballots. During that forenoon we finished counting the ballots. The clerks' lists on the poll-books showed that there had been one hundred and twenty-four ballots cast, while my list, which I kept correctly, showed only one hundred and twenty-two. D. Dorrington, judge, then proposed that we should sign the poll-books. I then insisted that we should again count the ballots which were on the string; we counted, and found only one hundred and twenty-one tickets; we counted them

over the second time—D. Dorrington and myself. Dorrington said there was only one hundred and twenty-one. I then refused to sign the poll-books, and told them I could not, on account of the frauds which had been committed; and I did not sign them, and have not since.

"5th question. Did you hear Frederick Dorrington, clerk, make any acknowledgment of these frauds after the election? State fully.

"Answer. I did; I heard Frederick Dorrington, at the office of Isham Reavis, in Falls City, the day after taking the testimony in the Fleming and Dundy contest, (about the 13th of December,) blame Samuel Armstrong for testifying about his changing votes the morning after the election at Merrick's Hotel; he said, among other things, 'Sam, I would not have thought that of you; you had as much to do with it as I had.' Sam replied that he had not. Frederick Dorrington said, 'You are just as much to blame as I am; you were present, saw me change the votes, and said nothing against it, and also signed the poll-books.' Isham Reavis was present at this conversation.

"6th question. Who were the judges and clerks of election in said precinct at said election?

"Answer. David Dorrington, Samuel Armstrong, and myself were judges, and Frederick Dorrington and William Buchanan were clerks.

"7th question. Did you consent to the leaving of the ballot-box with Schuyler?

"Answer. I knew it was wrong, but considered that the majority were against me, and so consented.

"8th question. Was Schuyler a political friend of Daily's and of David Dorrington?

"Answer. I understood from Schuyler, since the election, that he voted for Daily.

"9th question. Were you approached on the day of election, or before, by offers of money to allow the balance of the board to arrange matters in their own way.

"Answer. On two days previous to the election, on each day; I was offered on the first day a certain sum of money; the second day the same person came to me and desired me to fix my figures for the amount of money, and he would pay it, if I would withdraw from the board and let them arrange the business in their own way. I declined to do anything of the sort.

"10th question. How many votes were counted in all at that election, and how many for Morton?

"Answer. One hundred and twenty-one in all; seventeen for Morton; the majority for Daily, eighty-seven. I feel confident that I am correct, though I have no memorandum with me to refresh my memory.

"11th question. Were all the men of the election board supporters of Mr. Daily, except yourself?

"Answer. They were; I know it from this fact: during the elecion, when voters would come to the window to put in their tickets, they would frequently hand out and distribute tickets to the voters, and urge them to vote for Daily. I also heard each of them say that they had voted for Daily.

"12th question. What were your reasons for believing that the handsful of papers put into the ballot-box by D. Dorrington, judge, were ballots?

"Answer. I am satisfied in my own mind they were ballots from this fact: I saw him take out the papers one by one and examine them as he handed them to me until they were all taken out of the ballot-box, and they were all ballots; no blanks were taken out of the ballot-box.

"JAMES BUCHANAN."

"*James Buchanan recalled.*

"1st question. Have you, since the election, been approached and offered any sum or sums of money if you would refuse to give your testimony in reference to the frauds committed at Falls City at the late election? If so, state when, where, by whom, and what amount.

"Answer. I have. I was visited at Falls City by a man calling himself Willard, accompanied by some person whom I did not know. They came to my house, and he asked me if I intended to give testimony in this contest. I told him I might be called on. He then said he wanted to have a private talk with me, and we went into a private room. He there told me that it would be to my interest to keep still, not have anything to do with it, and he would pay me well for it; he said he did not want to bribe anybody, but if I would refuse to testify that they would pay me the sum of three hundred dollars as soon as the contest was decided; that he would lend me money at that time, and if I would come up to Peru, (the place of Daily's residence,) they would fix it so that I would be sure to get it at that time. Willard told me to inquire for him in Peru, at Swan's hotel. I replied that I would see about it. He then took out a ten dollar gold piece, and told me that he would lend me that, and to be sure and come up; that I might need it. I declined the offer, and refused to have anything to do with the matter.

"JAMES BUCHANAN."

Had the testimony, relative to frauds perpetrated at Falls City at this election, rested here, it would certainly have furnished as strong reasons for throwing out all the one hundred and four votes which Mr. Daily received at Falls City, as the evidence from the northern precinct of L'eau-qui-Court county furnishes for throwing out all of that vote.

If the one hundred and twenty-two votes returned for Morton from the latter place are to be thrown out without any sifting of the polls, without giving Morton the benefit of a single vote, it is no more than just to pursue the same course relative to the one hundred and four votes returned from Falls City for Mr. Daily. In addition, however, to the above testimony, the council journal of the legislative assembly of Nebraska, at its seventh session, is introduced by Mr. Morton as record evidence. And in this journal we find, on page 81, *the testimony of Samuel Armstrong, another judge of the election held at Falls*

City on October 9, 1860. *And Mr. Armstrong swears to the same state of facts, and to the perpetration of the same kind of frauds by Dorrington that Buchanan swears to, so that* TWO *of the three judges testify to the changing of ballots by a* THIRD *judge, David Dorrington.*

Admitting that the throwing out of the entire one hundred and twenty-two votes of the northern precinct of L'eau-qui-Court county is just, and that Mr. Daily thus has a majority of one hundred and eight votes. The same rule justly applied will throw out the entire one hundred and four votes returned for Mr. Daily from the Falls City precinct, and will thus reduce his majority to *four votes.*

Hall county.—This county, as is amply shown by the evidence before the committee, held no election, and that by common consent and agreement there was none to be held on October 9, 1860. But upon the morning of election day the Germans residing in the Grand Island precinct got up an informal gathering, and pretended to hold an election. There had been no notices posted up, as the statute required in the different precincts, and no one outside of this German settlement in that county was apprised of such an attempt or meditated election, and consequently no one else voted. The proceedings were so entirely without the form or authority of law that the county clerk of the county refused to make out any returns to the governor. But the recorder of the county illegally made up an aggregate of the votes and sent them to the governor, who counted them for Mr. Daily.

The following is a copy of the list of the names of men who are represented as voting at this so-called election, and of the unlawfully constituted judges and clerks thereof. The testimony as to the illegality of this so-called election, and the return thereof, is full and incontrovertible. Therefore all this vote should be thrown out.

Election in Grand Island precinct, Hall county, Nebraska Territory.

At the above election, held at the house of Peter Stuhr, in the Grand Island precinct of Hall county, Nebraska Territory, on the 9th day of October, A. D. 1860, there were twenty-nine ballots cast for the office of delegate to Congress, of which Samuel G. Daily had 29 votes; twenty-nine votes for representative in the house of the territorial legislature, of which Frederick Hedde had 29 votes; twenty-nine votes for one county commissioner, of which D. B. Crocker had 29 votes; twenty-nine votes for another county commissioner, of which Augustus Scherneckan had 29 votes; and twenty-nine votes for justice of the peace, of which Lawrence Barnard had 29 votes.

A true return.

CHRISTIAN GÜTSCHOW,
HANS STUHR,
GEORGE SCHULTZ,
Judges of Election.
THEODORE NAGEL,
PETER STÜBEN,
Clerks of Election.

Poll-list.

1 Friedrich Hedde
2 Heinrich Schael
3 Christian Memk
4 Wilhelm Hagge
5 Claus Shaltenberg
6 Ernst Curop
7 C. Ewoldt
8 Peter Stehr
9 William Stehr
10 Friedrich Vatje
11 Jacob Widig
12 Theodore Nagel
13 Christian Gütschow
14 Hans Stuhr
15 George Schultz
16 Peter Stüben
17 Peter Stuhr
18 Hans Wrage
19 Heinrich Giese
20 August Scherneckan
21 Heinrich Schaaf
22 Mathias Gries
23 Johann Thomsen
24 Jodinn Dall
25 Johann Hamann
26 Friedrich Bohnsack
27 Marx Stelek
28 Heinrich Egge
29 Detleff Sass.

A true list of the voters.

THEODORE NAGEL.

Throwing out the above twenty-nine votes, and Mr. Daily's majority of four votes is overcome and Mr. Morton's majority is at the same time found to be *twenty-five.* No other precinct voted in that county, for no notices, as the law requires, were given of the intended election to the voters of any precinct.

Precinct No. 4, *Pawnee county.*—From this precinct a return is made giving Mr. Daily a majority of six votes. But the officers of the election did not swear and subscribe to the return as the law requires they shall. This is a fatal defect, and should throw out the *entire vote, which will increase Mr. Morton's majority to thirty-one votes.*

Peru precinct, Nemaha county.—Daniel Walker swears positively to seven illegal votes being polled at this precinct for S. G. Daily, as charged in Mr. Morton's answer to Daily's notice of contest; but owing to want of time, and the terrible condition of the roads, (which is sworn to by many witnesses,) Mr. Morton was unable to take the testimony within the sixty days next succeeding the date of his answer to Mr. Daily's notice of contest, as required by the law of Congress of 1851 regulating contested elections in Congress. The affidavit of Mr. Walker was, however, obtained and laid before the committee, and has equally as much place among the papers and evidence in this case as any *ex parte* testimony taken by Mr. Daily on the 28th of May, 1861. It is therefore embodied in this report, and is as follows:

"I reside in Peru, and have been residing there for four years last past. I am a house-carpenter by trade, and now working in the mill in Peru. I was present at the polls in Peru precinct the whole of the day of election, (October 9, 1860.) S. F. Haggard, E. D. Hag-

gard, John M. Dustin, and Joseph F. Mitchell voted at the Peru precinct on that day, and their names appear on the poll-book.

"S. F. Haggard and E. D. Haggard came to Peru in May, 1859, during the excitement about the gold mines. S. F. Haggard stopped in Peru only a few days at that time, and then went back to Illinois. E. D. Haggard stayed in Peru and the vicinity until May, 1860, when his brother, S. F. Haggard, came back to Peru. S. F. Haggard then stopped in Peru about a week to make preparations, when he and his brother, E. D. Haggard, started for the gold mines. They remained there until about ten days before the election. They are both unmarried, and had neither families nor homes in Nemaha county when they started for the mines. Neither of these men ever owned any real estate in this county. E. D. Haggard is a carpenter, and worked at his trade while here.

"John M. Dustin had just moved into Nemaha county about nine days previous to the election. He was living with his uncle, about a mile and a half from Peru, at the time of the election. He came from Illinois.

"Joseph F. Mitchell is a resident of Atchison county, Missouri, and came over a week or two before the election. I know he had not been in the Territory four days. He is still in the county.

"I was present when the polls were closed on that day. After the polls were closed, I should say about half an hour after, and after the judges had counted a majority of the votes, Martin Howell applied to vote, and was allowed to do so.

"W. B. Metcalf voted at said precinct on said day. He is generally considered by those who know him to be under twenty-one years of age. He has the appearance of being about nineteen years old.

"All these men style themselves republicans. I have heard both the Haggards say they voted for Daily at that election. I have good reason to think that they all did.

"DANIEL WALKER.

"Subscribed and sworn to before me this 4th day of January, A. D. 1861.

"HENRY M. ATKINSON,
"*Notary Public in and for the county of Nemaha and*
"*Territory of Nebraska.*"

Record evidence was also offered relating to this precinct, going to show that the names of the voters were not taken down upon a poll-book at all by the clerks of the election, as the law requires, but that only a tally-book was kept of the votes as counted out, a *fac simile* of which upon a piece of paper, which the county clerk certifies over his official seal and signature is a correct copy of the tally-book kept at the Peru precinct, in Nemaha county. The law mentions no such book, but requires that a list of the names of all persons voting shall be kept by the clerks in numerical order, upon a poll-book, to which they shall attach and subscribe their oath of office. This tally-book record evidence shows a return of one hundred and thirty-two in-

formal, if not illegal, votes for Daily, and thirty-three votes for Morton.

Illegal returns.

Specification No. 23 of Mr. Morton's answer to the notice of contest is as follows:

"23. That the entire vote of the following named counties ought to be wholly rejected, and ought to have been so rejected by the territorial board of canvassers, viz: the counties of Clay, Dodge, Cass, Hall, Johnston, Lancaster, Nemaha, Pawnee, and Washington, for the reason that no legal returns of the votes given in said counties, nor in either of them, were made to the governor, as required by the law. In the returns from all of the counties last aforesaid, no abstract of the votes given in any one of the several precincts was returned, nor had the territorial board of canvassers any legal returns before them when they canvassed the returns and counted the votes of those as well as the other counties in the Territory; that in all of these counties the said Samuel G. Daily had a majority of the votes as returned, but that they were not so returned as to entitle him to the benefit thereof, nor had the territorial board of canvassers any legal evidence before them that a single vote in any one of these counties was cast for said Daily."

The record evidence adduced proves conclusively that the above counties made no legal returns; that the aggregate vote was returned, and that no abstracts were furnished the governor or the board of canvassers of the votes cast in the several precincts of the counties mentioned, as the law requires. The number of votes purporting to have been cast at each precinct is, in the counties last named, however, adroitly concealed by returning the vote of the county in round numbers, and suppressing the precinct returns to the county clerk. This is in direct violation of the election law of the Territory, which requires that the returns shall be so made by each county clerk to the governor of the Territory that the number of votes purporting to have been given in each precinct shall be apparent to the board of canvassers.

Frauds are charged to have been perpetrated in each and all of these counties to the advantage of Mr. Daily. But at what precinct they were perpetrated it is impossible to tell, or even guess, from the aggregated returns sent up to the governor. These aggregates carefully conceal where the votes in these counties purport to have been cast.

The object of the law in providing that the number of votes given at each precinct shall come before the board of canvassers, over the official certificate of the county clerk, is plainly to prevent frauds in any precinct. And if no frauds were perpetrated in the counties named to the advantage of Mr. Daily, as Mr. Morton charges in his answer, and attempts to show by certified copies of the aggregated returns, then it was a very easy matter for Mr. Daily to have established the purity of the election in each precinct by furnishing to the

committee abstracts of the votes cast there, certified by the county clerks respectively. But he has failed to do this, though due notice is given him of the ground upon which the returns of these counties will be contested.

Applying the law thus, as it should undoubtedly be applied to preserve the purity of future elections in that Territory, and the *majority for Mr. Morton is increased from thirty-one to* TWO HUNDRED AND EIGHTY-NINE.

From the style of the case, Daily *vs.* Morton, from the notice of contest served by Mr. Daily upon Mr. Morton, from the answer of Mr. Morton to that notice, from each and every paper submitted in the case, the conclusion that Mr. Morton is the sitting delegate and Mr. Daily the contestant is naturally arrived at. But this is an anomalous case. The contestant is the sitting member. How did he become so; legally or illegally?

Seven months after Mr. Morton had been declared and certificated member of this House from Nebraska, nearly two months after his term of office as delegate had commenced, Samuel W. Black, without any authority or form of law, issues a second certificate, and declares Mr. Daily delegate elect. No notice of this proceeding was given to the other members of the board of canvassers, whose presence and concurrence the law requires; no notice was given to Mr. Morton, and the issuance and existence of this *pseudo* certificate was kept a profound secret, nor was Mr. Morton aware of its existence until the morning of July 4, 1861, when upon the roll call of the House he found the name of Mr. Daily, who was then sworn in.

The canvass once completed, the result once determined by the governor, chief justice, and district attorney, and a certificate once issued by the governor, "with their concurrence," as the law requires, and the board of canvassers are *functus officio;* jointly they could not issue a second certificate and recall the first at any subsequent time, and certainly the governor alone, who cannot issue a certificate independently of the chief justice and United States district attorney in the first instance, has not the authority to duplicate certificates of election to Congress whenever the caprice may seize him; at least he has not authority over a member of Congress elect after the official term of that member has commenced. If a governor of a State or Territory has such power over the qualification and election of members of Congress, there is no safety in any man's accepting a certificate of election, except he do so at the very moment before the convening of Congress, and upon the unquestionable assurance that his is positively the last certificate issued.

Mr. Morton has shown conclusively by the papers themselves (a genuine seal upon his own certificate and a false seal upon Mr. Daily's) that Mr. Daily's certificate, bearing date April 29, 1861, is a fraudulent and void paper. The fact, too, that Mr. Daily *appears as the contestant on the 28th of May, nearly thirty days subsequent to the date of this certificate of his*, shows that either Mr. Daily had not yet received his certificate, or that having it, he was satisfied its patent illegality would condemn it before the House.

In addition to the above evidence upon this point, Mr. Morton offered to bring before the committee the very man who wrote out this certificate for Governor Black and Mr. Daily. But to the introduction of this witness as decided objection was made by Mr. Daily as was made by him to the examination of Hon. J. B. S. Todd relative to the L'eau-qui-Court vote. The following sworn statement, however, was secured and placed before the committee, and is as much in compliance with the law of 1851 as the testimony taken by Mr. Daily as contestant in May, 1861. The handwriting of this certificate of Mr. Daily's and this affidavit is identical.

DISTRICT OF COLUMBIA, *City of Washington, ss:*

I, Andrew W. Pentland, formerly resident of the Territory of Nebraska, but more recently connected with the army of the Potomac, upon my oath depose and say: I am a relative of Samuel W. Black, formerly the governor of Nebraska; that I was at his house in Nebraska City one day in May last after he (Black) had been removed from the governorship of Nebraska, and Alvin Saunders had been appointed and had arrived in Nebraska and had gone to Omaha; and that at the private residence of the said Samuel W. Black, at Nebraska City, in the month of May, 1861, in the presence of Samuel G. Daily and Samuel W. Black, I copied for the said Black and Daily a certificate of election to Congress, which he (Black) then and there, in my presence and in Daily's presence, did sign and give to Mr. Daily, first, however, sticking upon the said certificate a green wafer, which had been under the great seal of the Territory. And the said certificate was made by date to appear to have been issued some time previous, and by Black in his executive capacity of governor of Nebraska.

Furthermore this deponent is willing to go before the Committee of Elections for the House of Representatives of the thirty-seventh Congress and be examined and cross-examined upon all the above subject-matter.

A. W. PENTLAND.

Sworn and subscribed to before me this 4th day of March, A. D. 1862.

F. I. MURPHY, *J. P.* [L. S.]

Now, if Mr. Daily had a good cause as the contestant, there was no need of his becoming a party to such a transaction as Mr. Pentland has sworn to; and the fact that he is a party to it taints every particle of testimony he has taken as contestant, and contaminates every effort he has made to secure and hold a seat as delegate in the present Congress from the Territory of Nebraska. In view of this fact, and the testimony which has been referred to in this report, we submit the following resolutions:

1. *Resolved*, That Samuel G. Daily is not entitled to a seat in this house as delegate from the Territory of Nebraska.

2. *Resolved*, That J. Sterling Morton is entitled to a seat in this house as delegate from the Territory of Nebraska.

D. W. VOORHEES.
G. H. BROWNE.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 70.

JOSEPH SEGAR.

APRIL 14, 1862.—Laid on the table, and ordered to be printed.

Mr. DAWES, from the Committee of Elections, made the following

REPORT.

The Committee of Elections, to whom were referred the credentials of Joseph Segar, who claims a seat in this House as the representative from the first district in Virginia, report:

That those credentials, a copy of which is annexed, consist of a certificate signed by "William Mears, conductor at the court-house of Northampton," "Michael H. Higgins, conductor at the court-house of Accomac," and "John O. Evans, conductor at the court-house of Elizabeth City," dated the 22d day of March last, certifying that at an election held on the 15th day of said March in the several counties composing said district the claimant was duly elected to represent the same in the Congress of the United States. Mr. Segar also presented to the committee during the hearing a proclamation by Governor Peirpoint to the same effect, of date the 26th day of March last, a copy of which is also annexed. The first congressional district is composed of seventeen counties, viz: Middlesex, Westmoreland, Richmond, Essex, Northumberland, King and Queen, Lancaster, Gloucester, James City, the City of Williamsburg, New Kent, York, Warwick, Northampton, Accomac, and Elizabeth City. Governor Peirpoint issued writs of election in due form of law on the 24th day of February, 1862, directed to the sheriffs of the several counties composing this district, requiring them to hold an election for representative to this Congress on said fifteenth day of March. The claimant stated to the committee that he himself took these writs of election to the sheriffs of the counties of Accomac, Northampton, and Elizabeth City, and that in one of these counties he saw the sheriff post up notice of the election at the several election precincts more than ten days before the day of the election, and in the others he saw the notices after they were put up, but whether they were up the time required by law he does not know. But no writs of election reached the sheriffs in the other fourteen counties, nor was any notice of election given, or any election held, at any precinct in any of the other fourteen counties in the district, for the reason that all the other counties were at the time of the election, and had been for a long time, in possession of the rebel

army, and the rebel authorities had proclaimed martial law over them. For the same reason no election was held in Elizabeth City county, except at one precinct, Hampton. Notice to the sheriffs of these counties to the people thereof, the opening of a poll or the casting of a vote at any precinct in any one of them, were all impossibilities.

There were cast at this election in the several voting precints of Accomac and Northampton, and at Hampton, in Elizabeth City counties, as appears by the several annexed certificates from commissioners in said counties, in all 1,018 votes, as follows:

In Accomac—		
For Joseph Segar	229	votes.
For Arthur Watson	406	"
In Northampton—		
For Joseph Segar	65	"
For Arthur Watson	32	"
For Joseph Yerby	4	"
For James Justice	6	"
For William H. B. Custis	7	"
For Edward P. Pitts	4	"
In Elizabeth City county—		
For Joseph Segar	265	"
Total	1,018	"
Of these, Joseph Segar had	559	"
Arthur Watson	438	"
All others	21	"

The vote of the whole district for governor at the May election, 1859, was—

For Goggin	4,404
For Letcher	3,582
	7,986

The population of the whole district in 1860 was as follows, with the exception of one small county, which contained about 700 inhabitants:

Census 1860.

Accomac	18,586
Elizabeth City	5,798
Essex	10,469
Gloucester	10,956

James City	5,798
King and Queen	10,331
Lancaster	5,151
Matthews	7,091
Middlesex	4,364
New Kent	5,584
Northampton	7,832
Northumberland	7,530
Richmond county	6,856
Westmoreland	8,282
York	4,949
Warwick	1,740
Total	121,317
Add to this for county not given	700
Total	122,017

In the counties where this election was held, including all the inhabitants of Elizabeth City county, though there was but one poll opened in that county, there were 32,216 inhabitants. In the counties occupied by the rebel army at the time this election was held, and under martial law, there were 89,001 inhabitants.

The committee have no means of knowing, other than may be inferred from the foregoing figures, what portion of the 7,986 electors, who cast their votes in that district for governor, reside in the three counties where this election was held, or how many of them resided at the time in the fourteen counties where it was impossible to hold any election.

Upon these facts the committee were unable to agree upon any recommendation to the House. They therefore ask to be discharged from further consideration of the subject, and report the following resolution:

Resolved, That the Committee of Elections, to whom were referred the credentials of Joseph Segar, claiming a seat in this House as a representative from the first district in Virginia, be discharged from the further consideration of the subject.

Copy of credentials.

It is hereby certified that at an election held on the fifteenth day of March, in the year one thousand eight hundred and sixty-two, in the counties of Middlesex, Westmoreland, Richmond, Essex, Northumberland, King and Queen, Lancaster, Gloucester, Matthews, James City, the City of Williamsburg, New Kent, York, Warwick, Northampton, Accomac, and Elizabeth City, comprising the first

A proclamation by the governor.

Whereas it is certified to me by the proper officers that at an el tion held on the 15th day of March, 1862, for representative in Congress of the United States for the first congressional dist composed of the counties of Middlesex, Westmoreland, Richmo Essex, Northumberland, King and Queen, Lancaster, Gloucest Matthews, James City, the City of Williamsburg, New Kent, Yo Warwick, Northampton, Accomac, and Elizabeth City, a majo of the votes cast were given for Joseph Segar, esq.:

Now, therefore, I, Francis H. Peirpoint, governor of the comm wealth of Virginia, do declare, by this my proclamation, the s Joseph Segar, esq., duly elected to represent the said first cong sional district of Virginia in the thirty-seventh Congress of United States.

Given under my hand and the great seal of the Commonweal at the city of Wheeling, this twenty-sixth day of March, [L. S] the year of our Lord one thousand eight hundred and six two, and in the 86th year of the Commonwealth.

FRANCIS H. PEIRPOINT.

By the governor:

L. A. HAGANS,
Secretary of the Commonwealth.

STATE OF VIRGINIA, *Accomac County, to wit:*

It is hereby certified that at a special election held on the 15

We. William P. Nottingham and William P. Moore, jr., commissioners for holding an election for a member of Congress for the first district of Virginia, for the county of Northampton, do hereby certify that an election was held on the 15th day of March, in the year 1862, pursuant to law, and that the following is a statement of the vote, as exhibited by the poll-books :

For Joseph Segar, sixty-five votes.
For Arthur Watson, thirty-two votes.
For George T. Yerby, four votes.
For James Justice, seven votes.
For William H. B. Custis, six votes.
For Edward P. Pitts, four votes.

Given under our hands this 18th day of March, 1862.

WM. P. NOTTINGHAM.
WM. P. MOORE, JR.

STATE OF VIRGINIA,
County of Elizabeth City, to wit:

We, T. S. Tennis and William J. Burdick, commissioners for superintending a special election for Elizabeth City county, and for the selection of a member of the House of Representatives of the United States, do hereby certify that on the fifteenth day of March, eighteen hundred and sixty-two, an election was duly held in said county for the purpose aforesaid, in pursuance of a writ of election issued by Francis H. Peirpoint, governor of Virginia, (which is hereto annexed,) and that at said election Joseph Segar received two hundred and sixty-five votes, which were all the votes given.

Given under our hands this nineteenth day of March, eighteen hundred and sixty-two.

T. S. TENNIS.
W. J. BURDICK.

To the Sheriff of Elizabeth City County:

Whereas the voters of the first congressional district of Virginia, composed of the counties of Middlesex, Westmoreland, Richmond county, Essex, Northumberland, King and Queen, Lancaster, Gloucester, Matthews, James City, the City of Williamsburg, New Kent, York, Warwick, Northampton, Accomac, and Elizabeth City, failed to elect a representative to the 37th Congress of the United States on the 23d day of May last, you are hereby required, having first taken the oath or affirmation prescribed by existing laws, to hold an election, to supply the vacancy aforesaid, at the several places of voting in Elizabeth City county, on Saturday, the fifteenth day of March, 1862, and of which you shall give due notice; and full authority is hereby conferred on you to do and provide whatever may

be necessary for the purpose, and the conducting officers of the several counties to meet within eight days after said election.

Given under my hand and the less seal of the Common-
[SEAL.] wealth, at the city of Wheeling, this twenty-fourth day of February, 1862, and in the eighty-sixth year of the Commonwealth.

F. H. PEIRPOINT.

By the Governor:
L. A. HAGANS,
Secretary of the Commonwealth.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 71.

MARTIN F. CONWAY.

[To accompany bill H. R. No. 398.]

APRIL 14, 1862.—Ordered to be printed.

Mr. MENZIES, from the Committee of Elections made the following

REPORT.

The Committee of Elections, to whom was referred the petition of Martin F. Conway, for compensation and mileage as a representative in the 36th Congress, from Kansas, report:

The Committee of Elections, from the statements of Martin F. Conway in his petition, which are true, find that Kansas, under the authority of Congress, in 1859, formed a constitution and took the steps necessary for admission into the Union as a State, and elected Mr. Conway to represent her in Congress. The application for admission was made on the 10th of February. 1860, during the first session of the 36th Congress, and the final action of the Senate concurring in her admission was in January, 1861, about one month before the end of the second session of the 36th Congress. Mr. Conway has received one month's pay, $250, and one mileage for that Congress. He claims additional compensation and mileage. He came to Washington in January, 1860, qualified and authorized to take his seat as representative as soon as Kansas should be admitted. Kansas ought to have been admitted without delay. The delay was long, and could not have been expected by Mr. Conway, and the propriety of the attendance of the representative upon Congress, to take his seat upon her admission, and to urge it, cannot be doubted. He did so attend, and incurred the expenses of a representative in performing what seems to have been a plain duty.

It is not believed that full compensation for an entire Congress, agreeably to the act of 1856, should be given to the representative of a State erected after a part of the term had elapsed; but in this case Mr. Conway can claim with propriety and in equity pay from the time when Kansas should have been admitted, agreeably to the reasonable expectations of her people and representative.

It is assumed in this report that by the 4th of March, 1860, Kansas ought to have been admitted, and, as heretofore suggested, that the claimant should be paid from that time to the end of the Congress, that is, the sum of $3,000. He has received $250 of the amount—one

month's pay for the time he occupied his seat after the admission of the State. He received mileage for the second session of the 36th Congress. He ought to be paid mileage for the first session, because he ought to have obtained his seat during the first session, and if he had he would have been entitled to mileage, and would have received it. The mileage is $1,273 60. In the opinion of the committee he ought to receive of compensation $2,750, and of mileage $1,273 60—making in the aggregate $4,023 60. The committee recommend the passage of the accompanying bill.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 72.

LAND TITLES IN THE STATE OF MAINE.

[To accompany bill H. R. No. 399.]

APRIL 14, 1862.—Ordered to be printed.

Mr. E. P. WALTON, from the Committee of Claims, made the following

REPORT.

The Committee of Claims, to whom was referred the petition of George M. Weston, commissioner of the State of Maine, have considered so much thereof as relates to certain land titles in Maine, and report:

That this case was very fully discussed in report No. 458, 1st session 36th Congress, and the committee will therefore state the facts as briefly as the various questions involved will permit.

The towns of Eaton and Plymouth, in Maine, were granted by Massachusetts, when the territory was in her possession and her jurisdiction was undisputed. Great Britain subsequently claimed the territory, when, to prevent collisions, the United States suspended the jurisdiction of Maine, and while it was so suspended citizens of New Brunswick entered upon and occupied these towns, under the charge of an officer appointed by New Brunswick. These persons settled upon and improved 8,430 acres of the land, and were in possession at the date of the treaty, and most of them had been in possession for more than six years previous to that date. Valuable timber was also removed, under the authority of New Brunswick, from 23,610 acres of other land in these towns. By the treaty of Washington the lands again fell within the jurisdiction of Maine, and the title of the proprietors was fully restored, except so far as it was affected by the treaty itself. The occupants claim that, by the fourth article of the treaty, they are entitled to a release of the title to improved lands in their possession, and the proprietors agree to execute such a release, on receiving from the United States a fair compensation for the land taken and timber removed.

The case presents three questions, and first as to the right of the persons in possession to 8,430 acres of improved lands. The fourth article of the treaty provides that all grants of land "shall be held valid, ratified and confirmed *to the persons in possession under such grants;*" "and all equitable possessory claims, arising from a possession and improvement of any lot or parcel of land by the person actually in possession, or by those under whom such person claims,

for more than six years before the date of this treaty, shall, in like manner, be deemed valid, and be confirmed and quieted *by a release to the person entitled thereto of the title* to such lot or parcel of land, so described as best to include the improvements made thereon; and in all other respects the two contracting parties agree to deal upon the most liberal principles of equity with the settlers actually dwelling upon the territory falling to them respectively, which has heretofore been in dispute between them."

The supreme court of Maine decided in the case of Josiah S. Little that the treaty, as the supreme law, overrides all other titles; and this is in accordance with repeated decisions of similar cases by the Supreme Court of the United States. Maine, Massachusetts, and New Brunswick have all given the same effect to the treaty in respect to persons in possession of their public lands; and, finally, Congress concurred in the same rule, by act of April 18, 1856, for the relief of Josiah S. Little. The concurrent action of both parties to the treaty, of the States interested, of the courts, and of Congress, is regarded by the committee as a conclusive and just settlement of the right of the persons in possession of the lands to a release of the title.

The second question, as to the right of the proprietors to compensation for their land, thus taken by the treaty, has also been settled by the court, and concurred in by Congress in the case of Little, before referred to. In reporting that case the Committee of Claims of the Senate said:

"The committee think that when a citizen is deprived of his title to property by the direct and authorized action of the government, he is entitled to a fair remuneration."

The treaty accomplished public purposes of the gravest consequence preserved the public peace, defined and settled the boundaries of two nations, and settled important rights for each for all future time. When to secure such weighty public purposes it became necessary to interfere with private property, that property was just as clearly taken for a "public use" as it would have been had it been taken for a fort or a garrison to carry on the very war, which indeed had been begun, but was happily averted by the treaty. There is no question as to the title of the proprietors, and the committee therefore conclude that their claim for the land is strictly within the constitutional rule that private property shall not be taken for public use without just compensation.

The third and last question, as to the right of the proprietors to pay for timber removed, depends upon the same principle as the second, though it is presented in a different form. The land was taken by the direct action of the government through the treaty; the timber was not taken by the government, but was lost to the proprietors through the direct action of the government. From 1831 to 1839 the jurisdiction of Maine over the disputed territory was suspended by request of the President, and it was precisely at this time that New Brunswick took possession and carried off the timber. It

clearly appears, from a letter of the Secretary (Mr. Van Buren) to the governor of Maine, dated March 18, 1831, that the suspension of action by Maine was requested by President Jackson for the purpose of saving the Executive from interruption and embarrassment in the settlement of the dispute with Great Britain. The loss of the timber was, therefore, incident to a deliberate and prudent policy for the peaceable solution of a dangerous question; as much incident to the policy of the government as was the subsequent transference, by the treaty itself, of improved lands to the very men who had carried off the timber. Indeed, it is apparent from the public documents that from 1827 this government knew that Great Britain was exercising acts of exclusive jurisdiction over the disputed territory, and from 1831 to 1839 it also knew that New Brunswick was stripping this part of the territory of its timber; and this government submitted to these wrongs rather than resent or resist them. The loss of the timber, therefore, seems to be a part of the price for national peace, and the committee think the nation, and not the persons wronged, should bear the loss. The fifth article of the treaty recognized the fact that this wrong had been done, and provided that money, collected by New Brunswick by way of timber duty, should be paid to the United States for the benefit of Maine and Massachusetts, which States had also suffered from depredations upon their public lands. Had the United States enforced that article of the treaty, it might be right to charge the loss of the timber of these proprietors to that fund; but although New Brunswick once acknowledged a net cash fund of £6.467 and bonds for £2,495, amounting in all to £8,962, exclusive of £1,950 disbursed from the fund for expenses, it does not appear that the United States has exacted anything from Great Britain, or paid anything on this account to Maine and Massachusetts. The committee, therefore, allow the claim for timber.

The value of the land and timber has been ascertained by personal examination and evidence taken by N. C. Towle, esq., who was a confidential agent appointed by the Senate for that purpose. The committee allow four dollars per acre for 8,430 acres of improved land, including compensation for the timber removed, making $33,730, and one dollar per acre for timber removed from 23,610 acres. These allowances are very far below the value stated by witnesses in the testimony; nevertheless, the proprietors agree to accept these sums, payable in whole or in part, at the option of the Secretary of the Treasury, in six per cent. bonds, and they are required to execute deeds of release conveying a good title to the holders of the possessory claims. The committee report a bill for these purposes and recommend its passage.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 73.

CHARLES RADCLIFF.

April 14, 1862.—Laid upon the table and ordered to be printed.

Mr. E. P. WALTON, from the Committee of Claims, made the following

REPORT.

The Committee of Claims, to whom was referred the petition of Charles Radcliff, have had the same under consideration, and beg leave to report:

That the petitioner was employed by the collector of the port of New York as "United States gauger," and while in the discharge of his duties a heavy bale of merchandise was accidently thrown upon him, injuring and disabling him. Upon this he seems to base his claim upon the government for relief.

Your committee believe that the government thus far has never undertaken to insure its civil employés against accidents, and can perceive no good reason why this case should be made an exception to hundreds of similar cases constantly occurring.

They therefore report back the petition, and ask to be discharged from its further consideration.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 74.

WILLIAM RODDY.

April 14, 1862.—Laid upon the table and ordered to be printed.

Mr. E. P. WALTON, from the Committee of Claims, made the following

REPORT.

The Committee of Claims, to whom was referred the petition of William Roddy, have had the same under consideration, and beg leave to report:

That the petitioner was employed at the ship-house in the Washington navy yard, and while so employed received an injury of one of his legs, which incapacitates him for the performance of manual labor. In consideration of this injury, the petitioner asks Congress to pass an act donating money for his relief.

If it be desirable that the government should indemnify against accident or injury, a general law should be passed which would operate equally.

Your committee can see no sufficient reason for making this case an exception to similar cases constantly occurring. They therefore report back the petition to the House, and ask to be discharged from its further consideration.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT, No. 75.

JAMES JOHNSON.

APRIL 14, 1862.—Laid upon the table and ordered to be printed.

Mr. FENTON, from the Committee of Claims, made the following

REPORT.

The Committee of Claims, to whom was referred the petition of James Johnson, have had the same under consideration, and report:

That the petitioner claims compensation for property destroyed in Mexico during the war which broke out in 1846, and refers to papers on file in the State Department for evidence of his claim. It appears that the claim was originally made against Mexico; and in answer to the request of the committee for information in relation to it, the Secretary of State transmitted a copy of the opinion of the board of commissioners under the treaty with Mexico of 2d February, 1848, rejecting this claim. Concurring with the opinion and conclusions of the commissioners, your committee report back the petition, and ask to be discharged from its further consideration.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 76.

J. J. LINTS.

[To accompany bill H R. No. 2.]

APRIL 14, 1862.—Ordered to be printed.

The Committee on Claims made the following

REPORT.

The Committee on Claims, to whom was referred House bill No. 2, for the relief of J. J. Lints, have had the same under consideration, and report :

It appears from official documents that in 1835 the memorialist was appointed local agent and engineer for the improvement of the harbor at Erie, Pennsylvania, at a compensation of $120 per month, by Colonel Abert, corps of topographical engineers, with the approval of the Secretary of War. When the appropriation for the work became so far exhausted as to render it necessary to suspend operations, Mr. Lints was continued in service as custodian of the public property pertaining to the harbor, at a reduced compensation of $2 per day. He now claims $1,289 33 compensation for his services as custodian, from the 8th day of April, 1857, to the 10th day of September, 1859, inclusive, no part of which, he avers, has ever been paid him. The correctness of the account is admitted by the officer in charge of harbor improvements on the lakes, and by Colonel J. J. Abert, of the Bureau of Topographical Engineers, whose report accompanies the papers of the petitioner. He received no pay after the 8th of April, 1857, because the appropriation for the improvement of the harbor at Erie had been exhausted previous to that date. The committee think him entitled to the amount claimed, and report the bill back with the recommendation that it do pass.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 77.

MARY A. BERAULT, ADMINISTRATRIX OF THE ESTATE OF LIEUTENANT JOSEPH WHEATON, DECEASED.

[To accompany H. Res. No. 65.]

APRIL 14, 1862 —Ordered to be printed.

The Committee on Revolutionary Claims made the following

REPORT.

The Committee on Revolutionary Claims, to whom was referred the memorial of Mary A. Berault, administratrix of the late Lieutenant Joseph Wheaton, and the letter of the Secretary of the Interior of the 27th March, 1862, *relative to the same, report:*

That the evidence before the committee shows that Lieutenant Joseph Wheaton served in the Rhode Island line from the commencement to the close of the revolutionary war; that his father and ten brothers all held commissions as officers in the British service, and that he alone sacrificed his home and domestic ties for the cause of liberty; that he was disinherited by his father, Colonel Caleb Wheaton, who commanded a regiment of British pioneers, who to the day of his death never forgave his son for what he considered a disloyalty to the King of Great Britain in joining "the Yankee rebels;" that on the 11th of May, 1775, and long before war was declared, he joined a band of volunteers, and took an active part in capturing the "Margaretta" and two other armed British schooners, which was of great service to us in after times, and was the first advantage gained over our enemies on the waters. In this service he received a severe sabre wound on the head, which troubled his mind through life, and terminated in his dying in the insane asylum in Baltimore in the year 1828.

After the war was declared Joseph Wheaton joined the Rhode Island line, in Colonel Israel Angell's regiment, and, sharing in all the battles in which that part of the army was engaged, which seems to have been many, never left his regiment until the end of the war. He was invested with a commission as colonel in the war of 1812, through the whole of which he served with distinguished ability.

By the acts of Congress of 3d and 21st of October, 1780, the government of the United States promised to "pay to each and all the officers, individually, who should continue to serve until the end of the war, half pay for life, and to pay the same to said officers, or their legal representatives, in specie, or other current money, at the end of each and every year for life." This was a distinct offer and covenant, stipulated by the most solemn act of the government in 1780, after four years and upwards of hard service in field and camp by Joseph

Your committee are of opinion, from a careful examination of the case, that this claim is embraced within the acts of the 3d and 21st of October, 1780. The half pay should terminate on the 24th day of March, 1818, when Lieutenant Wheaton was placed on the pension roll, and there should be deducted from the said half pay any payments made by the government to said Wheaton on account of his said services.

Your committee report the accompanying joint resolution, and recommend its passage.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT. No. 78.

HEIRS OF PAULDING, WILLIAMS, AND VAN WART.

APRIL 14, 1862.—Laid on the table, and ordered to be printed.

Mr. ANSON P. MORRILL, from the Committee on Revolutionary Claims, submitted the following

REPORT.

The Committee on Revolutionary Claims, to whom were referred the several petitions of the heirs of John Paulding, David Williams, and Isaac Van Wart, praying remuneration for the services of their ancestors in the revolution, respectfully report:

The history of the services of John Paulding, David Williams, and Isaac Van Wart is quite familiar to all who have read the history of the American revolution. They were the men who arrested Major Andre, the spy, as he was returning to New York after having had an interview with General Arnold, within the American lines, in September, 1780, at which interview Arnold had agreed to deliver the important post he commanded into the hands of the enemy.

This infamous arrangement of the traitor Arnold was exposed by the capture of Andre, by the said Paulding, Williams, and Van Wart, who intercepted him on his way to the English camp, with papers on his person, clearly showing his character and mission, and the disposition of Arnold to sell his country to its foe. The execution of Andre, and the escape of Arnold to the enemy, immediately followed, and their base plot was defeated.

On the 7th of October, 1780, but a few days after the transaction, General Washington, in a letter to Congress, brings the subject before that body in the following language: "I have now the pleasure to communicate the names of the three persons who captured Major Andre, and who refused to release him, notwithstanding the most earnest importunities and assurances of a liberal reward on his part. Their conduct merits our warmest esteem, and I beg leave to add that I think the public will do well to make them a handsome gratuity. They have prevented, in all probability, our suffering one of the severest strokes that could have been meditated against us.

"Their names are John Paulding, David Williams, and Isaac Van Wart."

Congress took the following action on the subject:

November 3, 1780. "Whereas Congress have received information that John Paulding, David Williams, and Isaac Van Wart,

the captors of Andre, they feel compelled to say that they see nothing in the case presented by the petitioners demanding special legislation and liberal gratuities over thousands which might be presented by the descendants of the brave and patriotic men who *fought* the *battles* of the revolution, encountered vastly greater dangers and hardships, performed repeated deeds of valor, and rendered unsurpassed services to the country throughout the war. To all such patriotic men the country owes a debt of gratitude not to be measured by dollars and cents. They have all or nearly all passed away from earth. If it be thought proper to reward their descendants by giving them pecuniary aid, it would seem more proper that a general law be passed that should meet the case and do even-handed justice to all equally entitled to aid from the government. The committee therefore believe the prayer of the petitioners should not be granted.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 79.

F. F. LOWE.

APRIL 14, 1862.—Laid on the table, and ordered to be printed.

Mr. DAWES, from the Committee of Elections, made the following

REPORT.

The Committee of Elections, to whom was referred the certificate of F. F. Lowe, as a representative from the State California, and his memorial to be admitted as such to a seat in this House, submit the following report:

The memorial is based upon the alleged right of California to three representatives in the present Congress. By the apportionment under the eighth census California is entitled to three representatives, and it is claimed by the memorialist that that apportionment applies to the present or thirty-seventh Congress. By special provision of statute, enacted July 30, 1852, it was provided that California should have two representatives till a new apportionment should take effect. But that State, believing that the apportionment based on the eighth census had already taken effect, did, at its general election held on the first Wednesday of September last, elect by general ticket three persons to represent her in the present Congress. Two of these persons were admitted to seats and qualified as members on the second day of the present term. The certificate of the third, the memorialist, was presented on the same day and referred to this committee, as was also his memorial on a subsequent day of the session. These documents are printed in Miscellaneous Documents, the certificate in No. 4, the memorial in No. 19.

The Constitution provides that representatives "shall be apportioned among the several States which shall be included within this Union according to their respective numbers;" and that "the actual enumeration shall be made within three years after the first meeting of Congress, and within every subsequent ten years in such manner as they shall by law direct." The census and apportionment thus connected together in the Constitution have been connected together in all subsequent legislation by Congress. It has been the course of legislation up to the year 1850 and the taking of the seventh census, to provide for the taking of each census by special act, and immediately upon its completion by a like special act to determine the number of representatives, and apportion the same among the

shall be in addition to the number of representatives herein above limited; which excess of representatives over two hundred and thirty-three shall only continue until the next succeeding apportionment of representatives under the next succeeding census.

"SEC. 27. When the Department of the Interior shall have apportioned the representatives in the manner above directed among the several States under the next or any subsequent enumeration of the inhabitants of the United States, he shall, as soon as practicable, make out and transmit, under the seal of his office, to the House of Representatives a certificate of the number of members apportioned to each State under the then last enumeration; and shall likewise make out and transmit, without delay, to the executive of each State a certificate, under his seal of office, of the number of members apportioned to such State under such last enumeration."

The claim of the memorialist is, that though the statute provides, "section twenty-fifth," that the apportionment based upon the census then about to be taken should take effect from and after the 3d day of March, 1853, it makes no provision that the next apportionment thereafter shall take effect in ten years from that date, viz: from and after the 3d of March, 1863, or with the commencement of the thirty-eighth Congress; but having based it upon the census which it provides shall be completed and returned to the Secretary on or before the 1st day of November, 1860, and having also provided that "as soon as" that census has been so returned, the Secretary shall, by a given rule of arithmetic, apportion the members among the several States, and shall, "as soon as practicable," transmit a certificate thereof to the House of Representatives, and shall transmit, "without delay," a like certificate to the executive of each State, it follows, as a necessary conclusion of law, that all this is to be done before the 4th of March, 1861, when the thirty-seventh or present Congress commenced; or whether the certificates to the House of Representatives and the several executives were actually made out before the fourth of March following or not. The right of representation based upon that census depends not upon the *certificate*, but upon the *fact* of enumeration, which the law provides shall be completed by the first of November preceding the commencement of the present Congress. And therefore it is that the memorialist claims that California has a right to elect three representatives to this Congress, that being the number which said enumeration shows she is entitled to, and that he is consequently entitled to the seat.

The claim of the memorialist is based upon a strict and, as it appears to the committee to be, a too narrow construction of the act of 1850. It was the intention of that act to establish a system for the taking of the census, and the consequent apportionment of representatives not only for the decade covered by the seventh census and apportionment, but for the eighth and each subsequent one. And the perusal of the statute, as a whole, cannot fail to leave the conviction that each subsequent census and apportionment should be made precisely as was provided in that statute for those then about to be made. The statute provides, first, that the eighth and any subsequent

from the clause "and any subsequent enumeration," alone, that the present apportionment has been made. Now, by applying the rule just stated, if the apportionment based upon the census of 1850 was to take effect in 1853, by virtue of the same provision for apportionment, or that which provides an apportionment based upon the census of 1860, then, *mutatis mutandis*, the latter must take effect in 1863. Without this rule of construction the apportionment, as well as the census of 1860, upon which it is based, would be without any time fixed for it to go into operation.

There seems to be no reason for two different rules. So far as the committee have been able to ascertain from the cotemporaneous history, or the discussions in either house on its passage, or any subsequent criticism of it, till the present case has arisen, the idea never occurred to any one that it provided, in this regard, one rule for the census of 1850 and consequent apportionment, and a different one for any subsequent census and apportionment. On the other hand, there is much reason, if not constitutional obligation, that the rule should be the same for all, and that the last apportionment having been fixed to take effect "from and after the third day of March, 1853," the next should not take effect till ten years thereafter, or from and after the third day of March, 1863. The apportionment must follow and be based upon the census. The Constitution says representatives shall be apportioned among the several States "according to their respective numbers;" and to ascertain these numbers the same section provides that "the actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct." The Constitution evidently contemplated a census *only once* in ten years, and consequently a new apportionment based upon such census only once in ten years. The time when the first census should be taken was not fixed, only it must be "within three years after the first meeting of the Congress of the United States." Now, Congress did provide for taking the first census in 1790, the next in 1800, and in 1810, 1820, 1830, 1840, and 1850. So Congress has also provided by legislation, once in every ten years, that the apportionment, based upon each one of these enumerations, respectively, shall take effect "from and after the third day of March, 1793," "from and after the 3d day of March, 1803," and from and after the same day in 1813, 1823, 1833, 1843, and 1853. In the absence of express enactment to the contrary, the committee cannot doubt that it was likewise the intention of Congress in providing for the eighth census, to provide that it shall be taken in 1860, and that the apportionment based upon it, like all that had preceded it, should take effect in the corresponding year, viz: from and after the 3d of March, 1863. If it be held that apportionments of representatives cannot be made oftener than a federal census is taken, and that the Constitution requires that that shall be taken only once in ten years, then it follows that the apportionment based upon the census of 1860 cannot take effect till the 4th of March, 1863; else the period between the last two apportionments would be

day of November do not, in fact, reach the Secretary of the Interior before the 4th of March following? What will be the condition of things then, if the construction contended for be the true one? The nation would be without a Congress, and the States without the power to elect one. It will be seen by a letter from the Secretary of the Interior, which accompanies this report, that the final returns were not received at his department till the 16th day of March, 1861. Can it be held, except on express enactment, that Congress overlooked such a contingency? If it be said that the requirements of the statute that the census shall be returned on the "*first day of November*," and that the Secretary shall make the apportionment "*so soon as*" the census is returned, and shall make out the certificate thereof to the House "*as soon as practicable*," and to the State executives "*without delay*," are all express enactments, showing that the apportionment is to take effect on the 4th of March following, rather than two years thereafter, the answer is, that these same enactments apply equally to the apportionment based upon the census of 1850, which, by the express terms of the statute, was not to take effect on the 4th of March following, but two years thereafter, on the 4th of March, 1853.

But this Congress has, by positive enactment, declared when, in its opinion, the apportionment based upon the census of 1860 shall take effect. In an act passed only the last month, to modify that apportionment and give to several States therein named a greater number of representatives than the apportionment under the statute of 1850 had given them, Congress has expressly enacted that the act shall take effect from and after the third day of March, 1863. The following is a copy of the act:

"AN ACT fixing the number of the House of Representatives from and after the third of March, 1863.

"*Be it enacted, &c.*, That from and after the third day of March, eighteen hundred and sixty-three, the number of members of the House of Representatives of the Congress of the United States shall be two hundred and forty-one; and the eight additional members shall be assigned one each, to Pennsylvania, Ohio, Kentucky, Illinois, Iowa, Minnesota, Vermont, and Rhode Island."

This act passed both houses in its present form without a division, and is therefore a unanimous declaration of the law-making power that the apportionment based upon the census of 1860 does not take effect till "from and after the 3d of March, 1863."

There is one consequence of giving effect to the claim of California to be represented in the present Congress according to the apportionment based upon the census of 1860 to which it is proper that attention should be called. If California is entitled to representation in accordance with that apportionment, every other State has the same right. There can be no such thing as one State represented according to one apportionment and under one census, and another State according to some other apportionment based on another census. The whole number of representatives and the number for each State are both fixed by law and by the same law. There cannot be one law

whole vote of the State at the presidental election in 1852 was 74,736. Adopting any ratio between voters and population, or even a much smaller one than is adopted in the older States, and there would have been population enough for three representatives. The State census of 1854, which was only approximate, gave 264,435—only 14,000 less than enough for three representatives. The vote of California in 1861 was 118,840, giving evidence of a much larger population than by either apportionment is represented in Congress. But all these considerations, though deserving of much weight, if it were the province of the committee to fix an apportionment act, cannot be taken into account by a Committee of Elections seeking to determine who has been actually elected according to the laws as they exist. The committee recommend the adoption of the following resolution:

Resolved, That F. F. Lowe is not entitled to a seat in this house as a representative from the State of California in the thirty-seventh Congress.

DEPARTMENT OF THE INTERIOR.
Washington, April 3, 1862.

SIR: In reply to your communication of this date you are informed that returns of the eighth census were received at this department on the 16th day of March, 1861, at which date the final returns were received from a part of the State of Texas, which returns, although so long detained, were the result of an enumeration completed on the 11th day of July preceding. The enumeration was very generally completed prior to the 1st day of November, 1860; while, on account of the death or illness of the assistants or other causes, the enumeration of small portions of several States was not completed within the period mentioned. The governors of the loyal States were officially notified of the apportionment on the 9th day of July, 1861. The condition of the country, and the impossibility of communicating with the governors of the insurrectionary States, have rendered it impossible, up to the present date, to comply with the requirements of the 25th section of the law of May 23, 1850, referred to in your communication.

It is perhaps unnecessary to state that the apportionment, according to the eighth census, relates to the members composing the 38th Congress.

It may not be inappropriate to add, that I communicated the apportionment of representatives to the Speaker of the House on the 5th day of July, 1861.

I have the honor to be, very respectfully, your obedient servant,
CALEB B. SMITH, *Secretary*.

Hon. H. L. DAWES,
Chairman Committee of Elections, House of Representatives.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 79

F. F. LOW.

APRIL 14, 1862.—Ordered to be printed.

The Committee of Elections, on the claim of F. F. Low as a third representative from California, submit the following

VIEWS OF THE MINORITY.

The Committee of Elections, having had under consideration the credentials and memorial of F. F. Low, claiming a seat in the House of Representatives, the undersigned, a minority of said committee, beg leave to report:

That at the regular election for members of Congress held in the State of California, September 3, 1861, Timothy G. Phelps, Aaron A. Sargent, and F. F. Low, were duly elected. The fact of the election not being disputed or denied, the only question to be examined into regarding Mr. Low's claims to a seat is, whether California is entitled to *two* or *three* members. The case seems an anomalous one, without precedent in the whole history of the government.

Previous to 1850 the census had always been taken and reported to Congress, and then Congress, by special acts, had apportioned the representatives among the different States. In 1850 Congress passed a *general act* providing for the taking of the seventh census, and all future ones, (see Statutes at Large, vol. 9, page 428,) and which also provided that the Secretary of the Interior, instead of Congress, should make the apportionment.

Section one of the act referred to provides that the marshals shall cause the census to be taken and returned to the Secretary of the Interior on or before the 1st day of November in the year 1850, and every tenth year thereafter.

And sections 25 and 26 provide that the Secretary of the Interior shall, *immediately* on the reception of the returns, proceed to make the apportionment of the members of Congress among the States according to their population, and shall, "*as soon as practicable*, make out and transmit to the House of Representatives" the result, and also "make out and transmit, *without delay*, to the executive of each State a certificate of the number of members to which such State is entitled."

The statute referred to makes no limitation of time for any purpose except that the marshals shall make their returns before the first of

As the result of our investigation, we are clearly of the opinion that California is entitled to three representatives, and recommend the adoption of the following resolution:

Resolved, That F. F. Low is entitled to a seat in this House as representative from the State of California, in the thirty-seventh Congress.

D. W. VOORHEES.
G. H. BROWNE.
JNO. PATTON.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 80.

INDEX TO THE CENSUS.

[To accompany H. Res. No. 62.]

APRIL 16, 1862.—Ordered to be printed.

Mr. E. P. WALTON, from the Committee on Printing, made the following

REPORT.

The Committee on Printing, to whom was referred joint resolution No. 62, have considered the same, and report:

That the purpose of the resolution is to furnish an index to the census returns, and particularly of schedule number one. This index is not to be printed, as it will contain no fact from the statistics necessary for the people to know, and, indeed, none except a designation of freeholders; and it is to be used only in the Census bureau for the convenience of those who wish to get access to facts contained in the returns.

A reference to the law regulating the taking of the census will show the feasibility, the necessity, and the importance of the proposed index.

The law provides that the statistics shall be taken *by families.* It is plain, therefore, that an alphabetical list of "adult males, or heads of families," with references to volume and page, will serve as a guide to all the details contained in the census, of every family in the land. The number of names will be about four and a half millions, and serve as guides to twenty-six millions. If, in the alphabetical list, persons of the same names shall be classified by States and Territories, as the committee think they should be and easily can be, this index to nearly two hundred ponderous volumes will be as readily available for any fact within its scope, as is the index of any one volume of the Statutes at Large, or perhaps of a volume of the Reports of Decisions by the Supreme Court, or a list of its cases, which it would most nearly resemble. The committee think the plan is unquestionably feasible.

The law also provides that the families shall be "*numbered in the order of visitation;*" and, of course, the returns are recorded in the same order. The particular number of any family will be rarely known, if ever, by those who wish to find it in the returns; and even

ment to this country advertised extensively and in vain to find the owner of a considerable fortune, and at last, through the census, the fortunate man was found in Missouri. These instances show the possible value of the vast store of facts contained in the records of the census; and we think it cannot be doubted that an index, which will afford ready access to these facts, and open them for practical use in every possible mode in which they may be made valuable, is of sufficient importance to command the favor of Congress.

The estimated cost of preparing the index will be found in a letter from the Superintendent of the Census, appended to this report. He estimates the cost of books at $400, and of filling them, if done by clerks appointed specially for the purpose, at from $7,000 to $9,000; but if done by the clerical force retained in charge of the census after its completion, he thinks the work may be done for half the latter sum. We are of opinion that the work should be done at the earliest time practicable, since the sooner it is done the more valuable it will be. The census of 1860 will cost at least two millions of dollars in gathering and preserving its details, and the highest sum estimated for the proposed index we think is a small sum to pay for the only key that will unlock its wealth of knowledge, and give it freely, for all useful and proper purposes, to whomsoever in the country and the world may be benefited by it.

The committee unanimously recommend the adoption of the resolution.

CENSUS OFFICE, DEPARTMENT OF THE INTERIOR,
Washington, April 8, 1862.

DEAR SIR: In my opinion, it will require thirty volumes of folio blank books, of seven and a half quires each, to record the names of the heads of families in the United States, with reference to the original schedules where they severally appear.

These record books will cost about $400. To have these books filled by the employment of clerks for that special purpose would probably cost from $7,000 to $9,000, not more, in my opinion. Inasmuch, however, as it will at all times be necessary to retain a small clerical force after the completion of the census, to have charge of the census records of seventy years' accumulation, to all which frequent reference is made, I believe the alphabetical record may be completed in a way not to cost one-half the sum mentioned. Thirty volumes will register 4,500,000 names.

I have the honor to be, with unaffected respect, your obedient servant,

JOS. C. G. KENNEDY.

Hon. E. P. WALTON, M. C.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 81.

FRANCES ANN McCAULEY.

[To accompany bill H. R. No. 405]

APRIL 17, 1862.—Ordered to be printed.

Mr. CRITTENDEN, from the Committee on Foreign Affairs, made the following

REPORT.

The Committee on Foreign Affairs, to whom were referred the memorials or petitions of Mrs. Frances Ann McCauley, the widow of Daniel S. McCauley, late United States consul at Tripoli, and afterwards consul general in Egypt, praying compensation for judicial services rendered by her husband as consul, and also remuneration for extraordinary losses, sufferings, and expenses incurred during his official services, have had the same under consideration, and report:

That the said Daniel S. McCauley for many years, commencing with the year 1831, served as consul of the United States at Tripoli, and was transferred from there, by appointment as consul general in the year 1848, to Alexandria, in Egypt, where he continued till his death, in 1852. There is no doubt but that Mr. McCauley expended during his whole service the entire amount of his salary and allowances, and that at the time of his death he left his wife and children in Egypt destitute, and without even the means of defraying the expenses of his funeral. By means obtained, as she states, from the kindness of strangers, she soon after the death of her husband returned to this country; and soon afterwards she caused a petition to Congress to be presented to this House, praying compensation for the extraordinary sufferings, losses, and expenses incurred during the consulate of her husband at Tripoli, by reason of the successive calamities of war, plague, and famine by which that place was visited. This petition, though several times referred to committees in this House, does not appear to have been ever acted upon. And afterwards, in the year 1858, she petitioned Congress for payment of the salary of one thousand dollars per annum, due to her late husband, under the act of the 11th of August, 1848, as compensation for judicial services rendered by him while holding said consular office, from the 14th of August, 1848, to the 26th of October, 1852, the time of his death.

Congress recognized this claim, and a bill was passed at the session of 1858 to 1859. This act, and the memorial on which it was

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 82.

CARLETON, NORWOOD & CO.

APRIL 18, 1862.—Laid on the table, and ordered to be printed.

Mr. ELIOT, from the Committee on Commerce, made the following

REPORT.

The Committee on Commerce, to whom was referred the petition of Carleton, Norwood & Company, asking indemnity for the seizure of the brig Surf, have considered the same, and report:

That it will appear by the letter (a copy of which is herewith submitted) from the Secretary of the Treasury to Edward Jordan, esq., Solicitor of the Treasury, dated December 21, 1861, and by the communication from the Secretary of the Treasury to the committee, dated March 5, 1862, that the moneys now sought to be reimbursed were paid by the petitioners voluntarily upon a remission by the Secretary of the Treasury of forfeitures incurred of a portion of the brig Surf, which forfeiture would otherwise have been available to the United States. The government relinquished the property at the request of these petitioners on payment of costs, which otherwise they would have received.

The committee recommend that the petitioners have leave to withdraw.

TREASURY DEPARTMENT, *December* 21, 1861.

SIR: I have received your communication of the 19th ultimo relative to the brig "Surf," seized by the collector of the district of Bath, Maine, under the act of July 13, 1861, one-eighth part of said brig being owned by George W. Olney, of Charleston, South Carolina.

It appears that Samuel D. Carleton, Joshua G. Norwood, and Philander J. Carleton, make application for the remission of the forfeiture of said vessel and the release of so much as is owned by said Olney, on the ground that it had been attached by them prior to the seizure.

In your said communication you say: "So far as the question of waiving the rights of the government to demand a forfeiture in favor of the attaching creditors is concerned, I suppose that, while there can be no question that such right, if insisted on, must be destructive

terest in the vessel on the 22d day of August last, which interest appeared to be of the value of about $500.

The petitioners desired a remission of the forfeiture of Mr. Olney's interest to enable them to subject it to the payment of their said claim against said Olney, which claim it likewise appeared had been prosecuted to judgment in the United States court, in Maine, on October 18th last.

The request of the petitioners seemed equitable; and after a full examination of the facts, I issued a warrant of remission on the 21st of December last, as prayed for by them, as will appear by the enclosed copy of a letter to the Solicitor of the Treasury.

I am informed by the Solicitor that acopy there of was transmitted to the district attorney of the United States for the district of Maine on the 23d day of December last. It will be perceived that the relief indicated to be granted—dependent on the contingency expressed in the letter of December 21st—was to be on condition of the payment of all costs, charges, &c., consequent on the seizure, which condition is in accordance with the usage of this department.

I have no further information relative to the case. I return herewith the two memorials.

I am, very respectfully,

S. P. CHASE,
Secretary of the Treasury.

Hon. THOMAS D. ELIOT,
Of Committee on Commerce, House of Reps.,
Washington, D. C.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 83.

HALF-BREEDS OF THE SIOUX NATION OF INDIANS.

[To accompany bill H. R. No. 143.]

APRIL 18, 1862.—Laid on the table and ordered to be printed.

Mr. WOODRUFF, from the Committee on Public Lands, made the following

REPORT.

The Committee on Public Lands, to whom was referred House bill No. 143, *entitled "A bill for the relief of certain half-breeds or mixed bloods of the Dacotah or Sioux nation of Indians and their grantees," have had the same under consideration, and thereon submit the following report:*

By the 9th article of the treaty made at Prairie du Chien, July 15, 1830, the United States agreed to suffer the half-breeds of the Sioux bands to occupy a tract of land near Lake Pepin, thirty-two miles in length by fifteen in breadth.

By the act of July 17, 1854, the President of the United States was authorized to exchange with those half-breeds for that tract of land, and was authorized to issue to them severally, on their releasing to the United States all their interest in said tract, scrip for the same amount of land, which scrip, it was provided, might be located upon any of the same lands not occupied by actual settlers of half-breeds or such other persons as have gone into said territory by authority of law, or upon any other unoccupied lands subject to pre-emption or private sale, or upon any other unsurveyed lands not reserved by the government, upon which they had respectively made improvements, provided said certificates or scrip should not embrace more than six hundred and forty, nor less than forty acres each, and should be equally apportioned, and that no transfer of said scrip should be valid.

The half-breeds subsequently relinquished to the United States all their interest in said lands, and scrip was issued to them as provided by said act.

By an act passed March 3, 1857, alternate sections of land along the lines of railroads, designated by odd numbers, were granted to the Territory of Minnesota for the purpose of aiding the construction of such railroads.

tor shall pay the difference. The law does not provide for receiving this scrip even in part payment; but if it did justice requires the locator to pay the difference.

Finally, if the act of 1854 gave the holders of the scrip the right to locate it upon the even numbers, though increased in value by the donation of the odd numbers, they need no legislation to confirm that right. If it did not give that right it should not now be granted, the value of the lands having since been increased by the aforesaid donations.

The committee refer to the annexed letter from the Commissioner of the General Land Office as a part of their report.

Said committee do therefore respectfully report that said bill ought not to pass.

GENERAL LAND OFFICE, *January* 20, 1862.

SIR: I return herewith a copy of a bill to confirm certain cancelled locations of Sioux half-breed scrip in Minnesota, with the following statement in reference thereto:

On the 7th March, 1857, the lands in Minnesota were withdrawn from "entry or location" until further orders, per telegraph of that date, and, by letter of the 9th April following, the withdrawal was continued.

The surveys of the different railroads in said State were run from some time in June to November, 1857. A large number of pieces of this scrip were located on even numbered sections and were cancelled, the lands having been withdrawn prior to location or being $2 50 land, for which this scrip is not receivable. There were a large number of such locations on odd numbered (railroad) sections, which were cancelled, the locations having been made after withdrawal or after the railroad survey had been run in the field.

This office is not advised of the amount of this scrip still remaining in the district offices; but there are eighty cancelled locations at one office (Forest City) and the scrip has *not been relocated.*

This office cannot recommend the passing of a bill for the relief of the holders of this scrip for the following reasons:

1st. By the opinion of Attorney General Cushing, of February 16, 1857, the odd sections within the six mile limits were absolutely granted to the State, when the lines or routes of roads were *surveyed, marked* and *fixed* upon the ground; and the rights of the State to the indemnity from the odd sections within the fifteen mile limits accrued from and after proper notice was filed by the railroad companies making the selection of the odd sections.

2d. The act making this grant to the State of Minnesota requires the even sections within the six miles to be sold at $2 50 per acre, which this proposed act would in some cases defeat.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 84.

ELY S. PARKER.

APRIL 18, 1862.—Laid upon the table, and ordered to be printed.

Mr. PORTER, from the Committee on the Judiciary, made the following

REPORT.

The Committee on the Judiciary, to whom was referred the memorial of Ely S. Parker, a native Seneca Indian, praying Congress to grant him all the rights, privileges, and franchises of an American citizen, report:

That the only power conferred upon Congress to admit aliens to citizenship is contained in the fourth clause of section 8, of article 1 of the Constitution, by which Congress is empowered "to establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States." A law providing for the naturalization of a single Indian of a particular tribe could not be deemed to prescribe a uniform rule of naturalization, and hence, in the opinion of the committee, would not be authorized by the Constitution.

The committee, therefore, think that the prayer of the memorial ought not to be granted.

37TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 85.

JACOB HALL.

[To accompany bill H. R. No. 410.]

APRIL 18, 1862.—Ordered to be printed.

Mr. EDWARDS, from the Committee on Indian Affairs, made the following

REPORT.

(Being the same report made by him at the 1st session 36th Congress.)

The Committee on Indian Affairs, to whom was referred the memorial of Jacob Hall, respectfully submit the following report:

Mr. Hall was a contractor for carrying the mail between Independence, in Missouri, and Santa Fé, in New Mexico, a distance of about 850 miles, 500 of which is through Indian country. The contract with the Post Office Department was entered into April 24, 1858; and by it he undertook to carry the mail in six-mule coaches once a week, from July 1, 1858, to June 30, 1862, for $39,999 per annum, payable quarterly.

The contract contained the usual stipulations of promptness and fidelity on the part of the contractor, and reservations of right of varying the service at its pleasure on the part of the department.

Under the reservations a variation requiring increased speed on and after the 23d of August, 1859—reducing through time from 20 to 15 days—was ordered, and the compensation increased $15,000 per annum, commencing at that date.

In September, 1859, in Kansas Territory, near Pawnee Fork, the employés of the memorialist, then engaged in the transportation of the mail under the contract, were attacked by Indians, two of the men killed and a third wounded, seven mules and one horse carried away, and one mule so much injured that it was killed as an act of mercy, and other property connected with the train, of various kinds, destroyed or utterly lost to the owner.

The facts of the destruction and loss of the property aforesaid, and its approximate value, may be regarded as established, although resting upon affidavits taken *ex parte*.

Three witnesses—one of whom was present, and wounded, and the other two had knowledge of the property, and that it was in use at that time and place—testify to the loss and to the value, in their judgment, estimating it in detail, and making a total of $2,608.

the Secretary of the Interior, with authority to inquire into the case, to notify said Kiowa Indians, or their agent, of this application, and to ascertain with more certainty the amount of loss sustained, and by what Indians it was caused; and if satisfied that it was caused by the Kiowas, as alleged, to withhold from their annuity, and pay to said Hall, the amount which he shall adjudge to be the value of the property destroyed and carried away. And for this purpose they report the accompanying bill.

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